

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 19, 1921.

The House met at 12 o'clock noon.

Rev. John Brittan Clark, D. D., of the First Presbyterian Church, Washington, D. C., offered the following prayer:

Most holy and eternal God, we come again to dip our emptiness into Thy limitless fullness. Speak again the words that dispelled the darkness brooding over the world at first—let there be light. So much of our light is shrouded in confusion and uncertainty, and our paths we do not always know. Let there be light, and when it dawns may we recognize that it always was and is and ever will be the light of the world. Amen.

The Journal of the proceedings of yesterday was read and approved.

APPORTIONMENT OF REPRESENTATIVES.

Mr. SIEGEL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14498) for the apportionment of Representatives in Congress amongst the several States under the Fourteenth Census.

The question was taken.

Mr. GARD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the apportionment bill.

The question was taken; and there were—yeas 335, not voting 95, as follows:

YEAS—335.

Ackerman	Dempsey	Hull, Iowa	Michener
Almon	Denison	Hull, Tenn.	Miller
Anderson	Dent	Humphreys	Minahan, N. J.
Andrews, Nebr.	Dickinson, Iowa	Husted	Monahan, Wis.
Anthony	Dickinson, Mo.	Hutchinson	Mondell
Ashbrook	Dominick	Igoe	Moore, Ohio
Aswell	Doremus	Ireland	Moore, Va.
Ayres	Dowell	Jacoway	Moore, Ind.
Bacharach	Drane	James, Va.	Mott
Bankhead	Drewry	Johnson, Ky.	Mudd
Barbour	Dunn	Johnson, Miss.	Murphy
Barkley	Dupré	Johnson, S. Dak.	Neely
Bee	Dyer	Johnson, Wash.	Nelson, Mo.
Begg	Eagan	Johnston, N. Y.	Newton, Minn.
Benham	Eagle	Jones, Pa.	Newton, Mo.
Benyon	Edwards	Jones, Tex.	Nicholls
Black	Elliott	Juul	Nolan
Bland, Ind.	Elston	Kahn	O'Connor
Bland, Va.	Esch	Kearns	Ogden
Boies	Evans, Mont.	Keller	Oldfield
Bowers	Evans, Nebr.	Kelly, Pa.	Oliver
Bowling	Evans, Nev.	Kendall	Olney
Box	Fairfield	Kennedy, R. I.	Osborne
Brand	Fess	Kettner	Padgett
Briggs	Fields	Kiess	Paige
Brinson	Fisher	King	Park
Britten	Flood	Kinkaid	Parker
Brooks, Ill.	Focht	Kleczka	Parrish
Brooks, Pa.	Frear	Knutson	Pell
Browne	Freeman	Kraus	Perlman
Brumbaugh	French	Langley	Peters
Buchanan	Fuller	Lanham	Phelan
Burdick	Gandy	Lankford	Porter
Burke	Gard	Larsen	Pou
Burrongs	Garner	Layton	Purnell
Butler	Garrett	Lazare	Quin
Byrnes, S. C.	Glynn	Lee, Calif.	Radcliffe
Byrnes, Tenn.	Goldfogle	Lee, Ga.	Raker
Caldwell	Goodall	Leshner	Ramsey
Campbell, Kans.	Goodykoontz	Linthicum	Ramsayer
Campbell, Pa.	Gould	Little	Ransley
Candler	Graham, Ill.	Longworth	Rayburn
Cannon	Green, Iowa	Luce	Reavis
Caraway	Greene, Mass.	Lufkin	Reber
Carew	Greene, Vt.	McAndrews	Reed, N. Y.
Carrs	Griest	McArthur	Rhodes
Carter	Griffin	McClintic	Ricketts
Chandler	Hadley	McCulloch	Robinson, N. C.
Christopherson	Hardy, Tex.	McDuffie	Robison, Ky.
Clark, Fla.	Harrell	McFadden	Rodenberg
Clark, Mo.	Harrison	McGlenn	Rogers
Classon	Hastings	McKenzie	Romjue
Cleary	Haugen	McKeown	Rouse
Coady	Hawley	McKinley	Rowe
Cole	Hays	McLaughlin, Mich.	Rubey
Collier	Hernandez	McLaughlin, Nebr.	Rucker
Cooper	Hersey	McLeod	Sanders, N. Y.
Crago	Hersman	MacGregor	Schall
Crampton	Hickey	Madden	Scott
Crisp	Hicks	Magee	Sears
Cullen	Hill	Mann, Ill.	Sherwood
Currie, Mich.	Hoch	Mansfield	Shreve
Curry, Calif.	Hoey	Mapes	Siegel
Dale	Holland	Martin	Sims
Darrow	Houghton	Mason	Sinclair
Davis, Minn.	Howard	Mays	Sinnot
Davis, Tenn.	Huddleston	Mead	Sinnot

Slomp
Small
Smith, Idaho
Smithwick
Snell
Snyder
Steagall
Stedman
Steenerson
Stephens, Miss.
Stephens, Ohio
Stoll
Strong, Kans.
Strong, Pa.
Sullivan
Summers, Wash.
Sumners, Tex.

Sweet
Swindall
Swop
Tague
Taylor, Ark.
Taylor, Colo.
Temple
Thomas
Thompson
Tillman
Tilson
Timberlake
Tinker
Tinkham
Towner
Treadway
Upshaw

Valle
Venable
Vestal
Vinson
Voigt
Volk
Volstead
Walters
Ward
Wason
Watson
Weaver
Webster
Welling
Welty
Whaley
Wheeler

White, Kans.
White, Me.
Williams
Wilson, Ill.
Wilson, La.
Wilson, Pa.
Wingo
Wise
Wood, Ind.
Woods, Va.
Woodyard
Wright
Yates
Young, N. Dak.
Young, Tex.
Zihlman

NOT VOTING—95.

Andrews, Md.
Babka
Baer
Bell
Blackmon
Bland, Mo.
Blanton
Booher
Cantrill
Casey
Connally
Copley
Costello
Crowther
Dallinger
Davey
Dewalt
Donovan
Dooling
Doughton
Dunbar
Edmonds
Ellsworth
Emerson

Ferris
Fish
Fordney
Foster
Gallagher
Gallivan
Ganly
Godwin, N. C.
Good
Goodwin, Ark.
Graham, Pa.
Hamill
Hamilton
Hardy, Colo.
Hayden
Hudspeth
Hulings
James, Mich.
Jeffers
Kelley, Mich.
Kennedy, Iowa
Kincheloe
Kitchin
Kreider

Lampert
Lehlbach
Lonergan
Luhring
McKinley
McLane
McPherson
Maber
Major
Mann, S. C.
Merritt
Milligan
Montague
Moon
Mooney
Morin
Nelson, Wis.
O'Connell
Overstreet
Patterson
Rainey, Ala.
Rainey, Henry T.
Rainey, John W.
Randall, Calif.

Randall, Wis.
Reed, W. Va.
Riddick
Riordan
Rose
Rowan
Sabath
Sanders, Ind.
Sanders, La.
Sanford
Scully
Sells
Smith, Ill.
Smith, Mich.
Smith, N. Y.
Steele
Stevenson
Stiness
Taylor, Tenn.
Vare
Walsh
Watkins
Winslow

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. DUNBAR with Mr. MONTAGUE.

Mr. WINSLOW with Mr. GOODWIN of Arkansas.

Mr. SANDERS of Indiana with Mr. BELL.

Mr. REED of West Virginia with Mr. GALLIVAN.

Mr. RIDDICK with Mr. DAVEY.

Mr. EMERSON with Mr. BLANTON.

Mr. FISH with Mr. DONOVAN.

Mr. GRAHAM of Pennsylvania with Mr. STEELE.

Mr. WALSH with Mr. STEVENSON.

Mr. MCPHERSON with Mr. MAJOR.

Mr. HULINGS with Mr. CASEY.

Mr. KREIDER with Mr. BLACKMON.

Mr. LEHLBACH with Mr. KITCHIN.

Mr. ROSE with Mr. MILLIGAN.

Mr. TAYLOR of Tennessee with Mr. JOHN W. RAINEY.

Mr. EDMONDS with Mr. HAYDEN.

Mr. SMITH of Illinois with Mr. CANTRILL.

Mr. CROWTHER with Mr. CONNALLY.

Mr. FOSTER with Mr. GODWIN of North Carolina.

Mr. JEFFERS with Mr. HAMILL.

Mr. STINESS with Mr. SABATH.

Mr. NELSON of Wisconsin with Mr. MCKINLEY.

Mr. GOOD with Mr. FERRIS.

Mr. HARDY of Colorado with Mr. O'CONNELL.

Mr. SELLS with Mr. McLANE.

Mr. MERRITT with Mr. SANDERS of Louisiana.

Mr. KENNEDY of Iowa with Mr. RANDALL of California.

Mr. FORDNEY with Mr. HENRY T. RAINEY.

Mr. ANDREWS of Maryland with Mr. SMITH of New York.

Mr. PATTERSON with Mr. BABKA.

Mr. DALLINGER with Mr. BLAND of Missouri.

Mr. COPLEY with Mr. MANN of South Carolina.

Mr. VARE with Mr. ROWAN.

Mr. SMITH of Michigan with Mr. KINCHELOE.

Mr. LAMPERT with Mr. MAHER.

Mr. BAER with Mr. OVERSTREET.

Mr. SANFORD with Mr. RAINEY of Alabama.

Mr. ELLSWORTH with Mr. DOUGHTON.

Mr. JAMES of Michigan with Mr. MOONEY.

Mr. RANDALL of Wisconsin with Mr. HUDSPETH.

Mr. HAMILTON with Mr. DOOLING.

Mr. KELLEY of Michigan with Mr. RIORDAN.

Mr. LUHRING with Mr. GANLY.

Mr. MORIN with Mr. MOON.

Mr. COSTELLO with Mr. WATKINS.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors and the gentleman from Kansas [Mr. CAMPBELL] will resume the chair.

Accordingly the House resolved itself in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14498, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14498, the congressional apportionment bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 14498) for the apportionment of Representatives in Congress among the several States under the Fourteenth Census.

The CHAIRMAN. The Clerk will read the bill for amendment.

Mr. BLAND of Indiana. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND of Indiana. At what time would it be proper to move to strike out the enacting clause?

The CHAIRMAN. After the reading of the first section of the bill that motion will be in order. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That after the 3d day of March, 1923, the House of Representatives shall be composed of 483 Members, to be apportioned among the several States as follows:

Alabama, 11; Arizona, 1; Arkansas, 8; California, 16; Colorado, 4; Connecticut, 6; Delaware, 1; Florida, 4; Georgia, 13; Idaho, 2; Illinois, 30; Indiana, 13; Iowa, 11; Kansas, 8; Kentucky, 11; Louisiana, 8; Maine, 4; Maryland, 7; Massachusetts, 18; Michigan, 17; Minnesota, 11; Mississippi, 8; Missouri, 16; Montana, 2; Nebraska, 6; Nevada, 1; New Hampshire, 2; New Jersey, 14; New Mexico, 2; New York, 47; North Carolina, 12; North Dakota, 3; Ohio, 26; Oklahoma, 9; Oregon, 4; Pennsylvania, 40; Rhode Island, 3; South Carolina, 8; South Dakota, 3; Tennessee, 11; Texas, 21; Utah, 2; Vermont, 2; Virginia, 11; Washington, 6; West Virginia, 7; Wisconsin, 12; Wyoming, 1.

Mr. BLAND of Indiana. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Indiana rise?

Mr. BLAND of Indiana. Mr. Chairman, I desire to move to strike out the enacting clause, which I understand is a preferential motion.

The CHAIRMAN. The gentleman from Indiana is recognized to make that motion.

Mr. BLAND of Indiana. Mr. Chairman, I move to strike out the enacting clause, and I would like to be heard.

The CHAIRMAN. The gentleman from Indiana moves to strike out the enacting clause of the bill. The gentleman from Indiana.

Mr. GARRETT. Mr. Chairman, I make the point of order the gentleman from Indiana does not make his motion in the right form.

Mr. BLAND of Indiana. I will send it up in writing, if necessary.

Mr. GARRETT. I did not mean in writing. I make no question on that, but the gentleman has not made his motion in the correct form. The Committee of the Whole House on the state of the Union does not strike out the enacting clause.

Mr. BARBOUR. Mr. Chairman, I desire to offer an amendment as a member of the committee.

The CHAIRMAN. A point of order is pending.

Mr. BARBOUR. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. BARBOUR. Can I offer the amendment and have it pending?

The CHAIRMAN. The gentleman from California will withhold his amendment until the gentleman from Indiana perfects his motion.

Mr. BLAND of Indiana. Mr. Chairman, I would like to amend the motion or make a substitute motion. I move that the bill be recommitted—no; reported back to the House with the enacting clause stricken out.

Mr. GARRETT. Mr. Chairman, I make the point of order that a motion to recommit is not in order in the Committee of the Whole.

The CHAIRMAN. The Chair understood the gentleman made a correction. The gentleman from Indiana will state his motion.

Mr. BLAND of Indiana. I have so many suggestions I do not know which to take, Mr. Chairman. I felt it was in order to move to strike out at this time. I will let the Chair rule on the first motion.

Mr. ASWELL. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Louisiana rise?

Mr. ASWELL. Mr. Chairman, I ask unanimous consent that a letter addressed to the committee this morning be read that is explanatory of the desire of the gentleman from Indiana to

make the motion to strike out the enacting clause. I ask unanimous consent that the letter may be read by the Clerk.

Mr. BARBOUR. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. ASWELL. Mr. Chairman, I ask unanimous consent that I may explain the letter, then.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that he may explain the letter. Is there objection?

Mr. BARBOUR. I object.

The CHAIRMAN. Objection is heard.

Mr. SIEGEL. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I withdraw that.

The CHAIRMAN. A preferential motion is pending.

Mr. MANN of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN of Illinois. What is now pending before the committee?

The CHAIRMAN. A point of order on the motion of the gentleman from Indiana, to strike out the enacting clause or that the committee report the bill back to the House with the enacting clause stricken out.

Mr. BLAND of Indiana. Mr. Chairman, page 46 of the procedure of the House of Representatives—

Mr. GARRETT. Mr. Chairman, I did not make a point of order on the proposition as stated by the Chairman, but made the point of order—

The CHAIRMAN. The Chair understood in the confusion the gentleman from Indiana to include the form in which the Chair stated the motion. The Chair thinks in the confusion the gentleman from Tennessee did not hear. [Laughter.] The gentleman from Indiana has the floor.

Mr. MANN of Illinois. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. MANN of Illinois. To submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN of Illinois. I do not quite understand yet what is pending before the committee.

The CHAIRMAN. The gentleman from Indiana [laughter] made a motion to strike out the enacting clause and to that motion the gentleman from Tennessee made a point of order. Then the gentleman from Indiana undertook to make his motion in order, and, as the Chair understood, made a motion that the committee recommend to the House that the enacting clause be stricken out of the bill. That, as the Chair understands, is the parliamentary situation.

Mr. SNELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SNELL. As I understand the rules of the House, when a member of the committee desires recognition and at the same time another Member, he is entitled to the first recognition. Why was not Mr. BARBOUR recognized at that time?

The CHAIRMAN. The motion to strike out the enacting clause is a preferential one.

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. My understanding was that the gentleman first made what he said was an effort to strike out the enacting clause, and then abandoned that and made a motion to recommit. Has that point been abandoned, or has the first motion been renewed, or what has happened?

Mr. BLAND of Indiana. I understand that is water that has passed over the mill.

The CHAIRMAN. The gentleman from Indiana will state his motion as he desires to make it.

Mr. BLAND of Indiana. I will state it as I originally stated it. I want to strike out the enacting clause, and I desire to call the Chair's attention to the rule.

Mr. WINGO. Mr. Chairman, the regular order. Let us have the amendment regularly reported.

The CHAIRMAN. The gentleman from Indiana [Mr. BLAND] moves to strike out the enacting clause of the bill.

Mr. DYER. Mr. Chairman, I ask for the regular order. I ask that the amendment be reported.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Indiana.

The Clerk read as follows:

Mr. BLAND of Indiana moves to strike out the enacting clause.

Mr. GARRETT. I make the point of order, Mr. Chairman, that it is not stated in the regular form.

The CHAIRMAN. The gentleman from Tennessee will state his point of order.

Mr. BLAND of Indiana. On page 46 of the "Procedure in the House of Representatives," which has been handed me, I wish to read from, as follows:

Mr. Speaker, I move to strike out the enacting clause.

It is held that it is:

Not in order until the first section of the bill has been read.

Not in order after the reading for amendment has been concluded. (Is in order at any time after the reading of the first section up to but not after the reading of the last section.)

Mr. MADDEN. Mr. Chairman, I make the point of order that we are not in the House, and that the motion can not be made in the Committee of the Whole. The Speaker is not presiding.

Mr. BLAND of Indiana. Mr. Chairman, a simple reference to the rules ought to govern the matter. Clause 7 of Rule XXIII provides:

A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection. Whenever a bill is reported from a Committee of the Whole with an adverse recommendation and such recommendation is disagreed to by the House, the bill will stand recommended to the said committee—

And so forth. That plainly provides a motion to strike out the enacting clause is in order in the Committee of the Whole. And the practice has been several times followed where the House rejected the motion to strike out the enacting clause, submitted as an amendment in the Committee of the Whole, and it was immediately resolved back into the House.

Mr. HICKS. Is it not a fact that in Volume V of Hinds' Precedents, paragraph 5332, it states:

The motion to strike out the enacting clause applies in Committee of the Whole.

Mr. MANN of Illinois. I do not know about that, but I do know that it does apply.

Mr. BLAND of Indiana. And it also so states this in several other places in the same volume.

The CHAIRMAN. The Chair is inclined to think the motion is in order. He has not found the exact language before him. The Chair overrules the point of order.

Mr. GARRETT. Mr. Chairman, I will say that the form of the gentleman's motion should be that the committee rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

Mr. MANN of Illinois. That motion is not in order, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana [Mr. BLAND] is recognized.

Mr. BLAND of Indiana. Mr. Chairman, I think Congress should have the courage to regulate the size of this House by submitting a constitutional amendment. I believe it is a bad time to undertake to determine the size of this House, after the census has been taken in the peculiar time and manner in which it has been taken. I think evidence could be submitted here that will show conclusively that errors in the census, on which this proposed action is to be taken, would probably change the representation in as many as six States. Surely we do not want to act upon such an important matter on an erroneous census, and which action will last for 10 years.

Mr. MONDELL. Will the gentleman yield?

Mr. BLAND of Indiana. In just a minute.

During the war the great activities in the big cities of this country drew men from the farming communities of the Nation like a magnet. In fact, some of those communities are drained of their help. Necessarily, there is an increase of population in the great cities. The time must come when this tide must flow back. But this census shows that men have left the farm. Therefore the great industrial centers will, in my judgment, receive undue representation in Congress after the tide sets back to the farm. Some say that because such large numbers of the people are temporarily in the big cities they ought to have more representation than other sections. But no one will contend but that the industrial centers of the United States are ardently and enthusiastically represented here on the floor of this House. If you will look over the steering committee of the majority party, you will conclude that the industrial centers are certainly very powerfully represented here. To apportion the Members of Congress, as proposed in this bill, at 483, giving the lion's share to the industrial centers of the country, is to further denude the agricultural sections of their power in this country. I am opposed to increasing the number of Members of the Congress at this time when agriculture and increased production are so important to the welfare and life of the Nation. I say it is very essential that we do not further build up the power of the congested centers in this House so as to absolutely trample on the rights of the people in the more sparsely settled communities. Therefore I move to strike out

the enacting clause, with the hope that there will be no legislation on the subject upon an admittedly erroneous census, and a census which by reason of war conditions is not a fair basis to figure from. The Constitution says we must reduce representation where they deprive anyone of voting, but we have not the courage to do that. If we have not the courage to perform our constitutional functions in one instance, we do not have to take this step now. Therefore I am opposed to 483 Members, to be selected as the majority bill provides here, and I would be in favor later of a constitutional amendment for the purpose of determining the size of this House, and I would be for a House no larger than the present one.

Now I yield to the gentleman from Wyoming.

Mr. SIEGEL. Mr. Chairman, I rise in opposition to the amendment, and in that connection I desire to state that I have received a letter this morning from Prof. Edward Huntington, the head of the Harvard Engineering School, calling my attention to certain facts in—

Mr. GARRETT. Mr. Chairman, I want to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT. Mr. Chairman, do I understand that the gentleman from New York favors the motion of the gentleman from Indiana?

Mr. SIEGEL. No; I am opposing the motion. A letter wherein he endeavors to establish that under the method adopted by the committee there is some doubt, and grave doubt, whether the States would receive in their reapportioned number of Members the correct number, if 435 should be finally decided upon. In that connection I desire to read the letter. Therefore I ask unanimous consent to proceed for 10 minutes, in order that the whole letter may be read by me, if desired.

The CHAIRMAN. Is there objection to the request of the gentleman that the Clerk shall read the letter?

There was no objection.

Mr. SIEGEL. I will read the letter myself. It says—

Mr. CARAWAY. Mr. Chairman, I object to the gentleman reading it.

The CHAIRMAN. Unanimous consent was granted.

Mr. CARAWAY. Did the Chairman submit that request?

The CHAIRMAN. The unanimous request was that the Clerk read the letter.

Mr. SIEGEL. I did not put it in that way, Mr. Chairman. I asked unanimous consent to proceed for 10 minutes, and the request was granted; and I propose to read this letter in my own way, and I do not propose to have any Member of the House, no matter where he comes from, say who is to read it.

Mr. MANN of Illinois. Mr. Chairman, I move that the gentleman be permitted to read the letter in his own time.

The CHAIRMAN. The gentleman from Illinois moves that the gentleman from New York be permitted to read the letter in his own time. The question is on agreeing to that motion.

Mr. CARAWAY. Is the motion to do that?

The CHAIRMAN. Yes. The motion is in order. The question is, Shall the gentleman from New York be permitted to read the letter?

The question was taken, and the motion was agreed to.

Mr. SIEGEL. The letter reads:

HARVARD UNIVERSITY,
THE HARVARD ENGINEERING SCHOOL,
Cambridge, Mass., January 17, 1921.

HON. ISAAC SIEGEL,
Chairman Committee on the Census,
House of Representatives, Washington, D. C.

DEAR SIR: I thank you for your letter of January 14 in reply to mine of January 8, and am glad that you took the matter up with Dr. Hill. It was indeed through his request that the need of a strictly mathematical solution of this problem was first called to my attention a few weeks ago.

At the time I wrote to you I had not yet had opportunity to lay my theory before Dr. Hill, so that I am not surprised that he advised you that Prof. Willcox's method (the method of major fractions) was deemed the fairest up to the present time.

Within the last few days, however, I have finished the formal exposition of my method and its application to the 1920 census, and only yesterday sent a copy to Dr. Hill.

Prof. Persons, Prof. Holcombe, and other statistical experts in the university who have examined my plan have pronounced it the only scientific method, and have given me permission to state so. I have, therefore, every reason to hope that Dr. Hill also will indorse my plan as soon as he has had time to examine it.

I shall be in Washington on Friday of this week, attending a statistical conference of the National Research Council, and if your committee or any members of it would be willing at this late date to let me lay my plan before you, I should gladly meet any appointment you wish to make for Friday afternoon, January 21, or for Saturday, January 22.

I am preparing some simple charts and tables by which, without going into any mathematical technicalities, I believe I can make the reasonableness of my plan entirely evident.

The importance of the problem is increased by the possible adoption of 435 as the total, for the Willcox tables for 435 are incorrect (according to my view) in the case of no less than three pairs of States.

1920	New Mexico.	New York.	Rhode Island.	North Carolina.	Vermont.	Virginia.
Willcox method.....	1	43	2	11	1	10
Improved method....	2	42	3	10	2	9

I can be reached by telegram at 27 Everett Street, Cambridge, Mass., up to Thursday noon, or by letter at the Cosmos Club, Washington, on Friday.

Thanking you again for your courteous attention to this matter, I am,

Sincerely, yours,

EDWARD V. HUNTINGTON.

Mr. Chairman and gentlemen of the committee, I feel, regardless of the fact that by the method proposed in this letter the State of New York might be reduced to 42, that in justice to gentlemen who have been claiming that the method adopted by the committee may not be correct, based upon the census figures—and these experts from Harvard claim there is a doubt—it should be placed before this House and this committee to determine what it desires to do under those circumstances.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. TINCER. Mr. Chairman, will the gentleman yield there?

Mr. SIEGEL. Yes.

Mr. TINCER. Did the gentleman's committee this morning take any action upon that matter or based upon that letter?

Mr. SIEGEL. The committee took certain action this morning, but the committee finds itself in the position where the matter must be brought before the Committee of the Whole House in order to determine the question.

Mr. TINCER. Let me ask you this question: Did not your committee this morning determine unanimously to withdraw this question from the consideration of the House at present and have the benefit of further information in your committee in order to raise it under certain conditions?

Mr. DYER. Mr. Chairman, I make the point of order that the chairman is not permitted under the rules to answer the question. He can not answer it under the rules.

Mr. SIEGEL. There is no question but that the point of order is well taken. I recognize that such is the rule.

Mr. FLOOD. Mr. Chairman, will the gentleman yield for a question?

Mr. SIEGEL. Yes.

Mr. FLOOD. Did your committee consider these figures carefully before you made such an elaborate report to the House?

Mr. SIEGEL. The committee had before it first Dr. Joseph A. Hill, who is the expert of the Census Bureau, a couple of weeks ago. Then it recalled him and he frankly admitted that in the first computation he was wrong in several particulars. Then we printed the second document, which is before the House.

Mr. FLOOD. Did you make a careful examination of the correctness of the figures before you made the report?

Mr. SIEGEL. We based it on what Dr. Hill stated. But it is a fact that 10 years ago and 20 years ago other experts were called in, and it was in a desire to save money that we proceeded solely upon the testimony of the Census Bureau. We have no reason to doubt the accuracy of his computation except this letter.

Mr. FLOOD. You come before the House now and acknowledge that the report was not correct?

Mr. SIEGEL. I do not.

Mr. FLOOD. Then you claim you are correct?

Mr. SIEGEL. It is as correct as any committee can make it. When certain experts declare that it is incorrect, and experts differ, then it is my duty to report it to the House.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. SIEGEL. Yes.

Mr. LANGLEY. Is it a fact or not that the gentleman talked over the telephone this morning with the Director of the Census, and that he advised that this matter be further considered by the committee?

Mr. SIEGEL. This letter was received in the second mail this morning. I talked with the director over the telephone, and he stated there was no doubt that these persons mentioned were high authorities, and that he could see no reason why Dr. Hill should not come before us as well as these gentlemen.

Mr. MOORE of Virginia and Mr. BARBOUR rose.

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. SIEGEL. I yield to the gentleman from California, a member of the committee.

Mr. BARBOUR. Did the chairman telephone to Dr. Hill this morning?

Mr. SIEGEL. No. The letter was received by me, as I say, in the second mail. I telephoned to Mr. Rogers, the head of

the census, and I summoned a meeting of the committee as quickly as I could get them together. There was some trouble in getting them together on account of the short notice. I believe that Dr. Hill would favor our having these other experts appear, as they are probably following some other system than major fractions, the one we adopted.

Mr. BARBOUR. Did not Dr. Hill, the statistical expert of the Census Bureau, testify before the committee, in answer to a question of the chairman of the committee, which I shall read:

You need not testify, Dr. Hill, as to how the changes have been made. But I want you to testify that these are the corrected figures, if such be the fact.

Dr. Hill said:

Well, these figures are based on the final population returns and will stand; there will be no further change. The others—

Referring to former figures that he had given—

were based on preliminary population figures, which were subject to revision.

Mr. SIEGEL. That is correct. We made every effort to get the correct figures.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana [Mr. BLAND] to strike out the enacting clause of the bill.

Mr. TINKHAM. Mr. Chairman, I desire to favor the motion.

Mr. GARRETT. I ask unanimous consent that the gentleman from Georgia [Mr. LARSEN], who is opposed to the motion, may be recognized for 10 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Georgia [Mr. LARSEN] be permitted to address the committee upon this motion. Is there objection?

Mr. ASWELL. Reserving the right to object, unless 10 minutes can be given to those favoring the bill, I shall have to object.

SEVERAL MEMBERS. Regular order!

Mr. GARRETT. Mr. Speaker, I will put it in this way then. I will ask unanimous consent that the gentleman from Georgia may have five minutes. The gentleman from Indiana made a speech against it. I think it is fair that the gentleman from Georgia should have time.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Georgia [Mr. LARSEN] be permitted to address the House for five minutes. Is there objection?

Mr. TINKHAM. I object unless I may have five minutes.

The CHAIRMAN. The gentleman from Massachusetts objects.

SEVERAL MEMBERS. Vote! Vote!

The CHAIRMAN. The question is on the motion of the gentleman from Indiana [Mr. BLAND] to strike out the enacting clause.

The question being taken, the Chairman announced that he was in doubt, and that those in favor of the motion would rise and stand until they were counted.

Pending the count.

Mr. DYER. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. BLAND of Indiana and Mr. SIEGEL.

The committee divided; and the tellers reported—ayes 92, noes 197.

Accordingly the motion to strike out the enacting clause was rejected.

Mr. BARBOUR. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BARBOUR: Page 1, lines 4 and 5, strike out "483" and insert in lieu thereof "435."

Also, strike out from and including line 7, page 1, to and including line 17, page 3, and insert in lieu thereof the following:

Alabama, 10; Arizona, 1; Arkansas, 7; California, 14; Colorado, 4; Connecticut, 6; Delaware, 1; Florida, 4; Georgia, 12; Idaho, 2; Illinois, 27; Indiana, 12; Iowa, 10; Kansas, 7; Kentucky, 10; Louisiana, 7; Maine, 3; Maryland, 6; Massachusetts, 16; Michigan, 15; Minnesota, 10; Mississippi, 7; Missouri, 14; Montana, 2; Nebraska, 5; Nevada, 1; New Hampshire, 2; New Jersey, 13; New Mexico, 1; New York, 43; North Carolina, 11; North Dakota, 3; Ohio, 24; Oklahoma, 8; Oregon, 3; Pennsylvania, 36; Rhode Island, 2; South Carolina, 7; South Dakota, 3; Tennessee, 10; Texas, 19; Utah, 2; Vermont, 1; Virginia, 10; Washington, 6; West Virginia, 6; Wisconsin, 11; Wyoming, 1.

Mr. SWEET. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SWEET:

As a substitute for the amendment offered to section 1 strike out all after the enacting clause in section 1 and substitute the following in lieu thereof:

That after the 3d day of March, 1923, the House of Representatives shall be composed of 460 Members, to be apportioned among the several States as follows:

Alabama, 10; Arizona, 1; Arkansas, 8; California, 15; Colorado, 4; Connecticut, 6; Delaware, 1; Florida, 4; Georgia, 13; Idaho, 2; Illinois, 28; Indiana, 13; Iowa, 11; Kansas, 8; Kentucky, 11; Louisiana, 8; Maine, 3; Maryland, 6; Massachusetts, 17; Michigan, 16; Minnesota, 10; Mississippi, 8; Missouri, 15; Montana, 2; Nebraska, 6; Nevada, 1; New Hampshire, 2; New Jersey, 14; New Mexico, 2; New York, 45; North Carolina, 11; North Dakota, 3; Ohio, 25; Oklahoma, 9; Oregon, 3; Pennsylvania, 38; Rhode Island, 3; South Carolina, 7; South Dakota, 3; Tennessee, 10; Texas, 20; Utah, 2; Vermont, 2; Virginia, 10; Washington, 6; West Virginia, 6; Wisconsin, 11; Wyoming, 1.

Mr. JONES of Texas. Mr. Chairman, I offer an amendment to the substitute, to strike out the figures indicated and insert the following, which I send to the desk.

The CHAIRMAN. The gentleman from Texas offers an amendment to the substitute offered by the gentleman from Iowa, which the Clerk will report.

The Clerk read as follows:

Amendment to the substitute offered by Mr. JONES of Texas: That after the 3d day of March, 1923, the House of Representatives shall be composed of 307 Members, to be apportioned among the several States as follows:

Alabama, 7; Arizona, 1; Arkansas, 5; California, 10; Colorado, 3; Connecticut, 4; Delaware, 1; Florida, 3; Georgia, 8; Idaho, 1; Illinois, 19; Indiana, 8; Iowa, 7; Kansas, 5; Kentucky, 7; Louisiana, 5; Maine, 3; Maryland, 4; Massachusetts, 11; Michigan, 10; Minnesota, 7; Mississippi, 5; Missouri, 10; Montana, 2; Nebraska, 4; Nevada, 1; New Hampshire, 1; New Jersey, 9; New Mexico, 1; New York, 30; North Carolina, 7; North Dakota, 2; Ohio, 16; Oklahoma, 6; Oregon, 3; Pennsylvania, 25; Rhode Island, 2; South Carolina, 5; South Dakota, 2; Tennessee, 7; Texas, 13; Utah, 2; Vermont, 1; Virginia, 7; Washington, 4; West Virginia, 4; Wisconsin, 8; Wyoming, 1.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas to the substitute offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. McARTHUR) there were—ayes 27, noes 203.

So the amendment was rejected.

The CHAIRMAN. The question now recurs upon the substitute offered by the gentleman from Iowa.

Mr. SWEET. Mr. Chairman, I desire to be heard upon my substitute. I do not expect to take much time in discussion, but simply wish to explain what the amendment that I am offering signifies. The number suggested by me in this amendment is 460, instead of 483. As I view it, if the membership of the House is placed at 460, it will disturb less States in the matter of redistricting than any other plan. In other words, there will be only 18 States affected. Thirty States will not be affected in any way. It means that 16 States will receive, in a sense, an increase and 2 States—Maine and Missouri—will lose 1 each. When the whole matter is considered, it seems to me that 460, an increase of 25, is the happy medium that this House should adopt at the present time.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. SWEET), there were—ayes 55, noes 189.

So the substitute was rejected.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from California [Mr. BARBOUR]. Mr. GREEN of Iowa rose.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GREEN of Iowa. Mr. Chairman, I am not so much concerned about the number of Representatives as I am about whether the rural districts shall receive fair treatment.

The Committee on the Census has come here this morning and they admit, not a Member denies, that they do not know whether their figures on which the computation has been made are correct or not.

Mr. LARSEN. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. No; I can not.

Mr. LARSEN. I am a member of the committee, and the gentleman has misstated my position.

Mr. GREEN of Iowa. Then I will withdraw that, if that makes any difference to the gentleman, but I will say that it is quite evident to the House that they do not know whether their figures are correct. Will anyone deny that?

Mr. SIEGEL. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. No; I can not yield further. It is further evident to the House that there is a large number of gentlemen here who do not care whether the rural districts get fair treatment or not. The last census was taken under circumstances that were utterly unfair to the rural districts. The population of the cities had been greatly augmented by people

who are not going to stay in the cities. They merely resided in the city temporarily. Already they have left the cities in large numbers and are returning to the rural districts. But gentlemen care nothing about that. They care nothing about what becomes of the rural districts, whether they are represented fairly here or not. I repeat that the last census was taken under circumstances peculiarly unfair to the rural districts. There are cities that have lost 100,000, or more, in population since this census was taken. Large numbers of people are already going back to the country, and even on that basis, even taking the basis of the census figures, gentlemen are not willing that the rural districts should receive fair treatment. They are not willing that this enumeration should be gone over, and that we should ascertain whether the Representatives are really apportioned in accordance with the population which the cities actually have, under the figures of the census, unfair as they may be to the rural districts. Here is the situation: You are going to act on this bill without sufficient knowledge, you are going to act on it under circumstances which will not do justice to the rural districts, and at the proper time, if I am permitted to do so, I shall move to recommit the bill to the Committee on the Census in order that they may ascertain what the true basis is, and give the rural districts not simply fair treatment, because they can not get that under this census, but something that somewhere near approaches fair treatment, which any action at this time will deny.

Mr. KENNEDY of Rhode Island, Mr. SIEGEL, and Mr. BARBOUR rose.

The CHAIRMAN. The gentleman from California, who offered the amendment, is entitled to recognition.

Mr. BARBOUR. Mr. Chairman, I merely desire to take a moment of the time of the committee to reply to statements made by the gentleman from Iowa [Mr. GREEN]. He stated that no member of the Committee on the Census would deny the assertion that the members of the committee do not know whether their figures are correct. As a member of the Committee on the Census, I do deny that assertion. Dr. Hill, the statistical expert of the Census Bureau, our own Government institution for the gathering of statistics, appeared before our committee and assured the committee that these figures are correct.

This letter which is presented here this morning is merely the statement of some statistician who differs with Dr. Hill's method. I submit to this committee, Are we going to follow the recommendations of our Census Bureau or are we going to take the word of some theoretical man who disagrees with our own officials?

Mr. BEE. Will the gentleman yield?

Mr. BARBOUR. I decline to yield at this time, Mr. Chairman. The statement is made that this amendment will deprive the rural districts of representation. There is absolutely nothing in that. It makes no difference whether you fix the membership of this House at 200 or 500 or 5,000, the urban districts and the rural districts will have the same proportional representation.

Mr. SIEGEL. Mr. Chairman, I will not permit to go unchallenged the statements made here that members of the Census Committee were uncertain with reference to whether the figures which they presented to this House were correct. It is very easy for these critics to glibly criticize without justification. I say those figures were correct as given to us by Dr. Hill. Dr. Hill followed the same method pursued 10 years ago. The reason this letter was presented here this morning was because the statistical authorities of Harvard University disagree with Dr. Hill as to what the effect of following the major fraction method might be. The gentleman from California [Mr. BARBOUR] read a few moments ago from the record of hearings wherein I asked Dr. Hill whether he was certain that the figures were correct as he presented them a second time to the committee, and he answered affirmatively. I repeated that question several times, because I wanted to be sure in my mind that they were the correct figures. At page 25 of the hearings we find the following:

The CHAIRMAN (continuing). You need not testify, Dr. Hill, as to how the changes have been made. But I want you simply to testify that these are the corrected and final figures, if such be the fact.

Mr. HILL. Well, these figures are based on the final population returns and will stand; there will be no further change. The others were based on preliminary population figures, which were subject to revision.

Mr. BEE. Will the gentleman yield?

Mr. SIEGEL. I do.

Mr. BEE. Is it not true that Dr. Hill made a statement to the committee, first bringing in a report and subsequently bringing in a corrected report, and stating to the committee, in

answer to the gentleman's question time and time again, that the figures were now absolutely correct as the final figures of the Census Bureau?

Mr. SIEGEL. There is no doubt about that. I asked him that several times, because the thought ran through my mind that there might be some question about it. It was raised 10 years ago, raised 20 years ago, and in every debate when the question came up, the same issue is brought before the committee.

Mr. LARSEN. Is it not also a fact that in the correction made by Dr. Hill the statement was made that the mistake was not made in the calculations, but the mistake was made in the footing up of the total population of the United States?

Mr. SIEGEL. That is true, and Dr. Hill was not responsible if an error has occurred, because it was an error in the final calculation of the figures.

Mr. LITTLE. Will the gentleman yield for a question?

Mr. LONGWORTH. I make the point of order that debate is exhausted.

Mr. SIEGEL. I yield to the gentleman.

Mr. LITTLE. Do I understand that Dr. Hill's first report was incorrect for some reason—

Mr. SIEGEL. The report was incorrect for the reason that the final computations were not correct.

Mr. LITTLE. I did not ask that—

Mr. SIEGEL. The gentleman wanted to learn—

Mr. LITTLE. I wanted an answer.

Mr. SIEGEL. The gentleman is going to get the truth from me, no matter who it hurts.

Mr. LITTLE. I can make an explanation for myself. [Laughter.]

Mr. SIEGEL. I recognize the gentleman's capacity to both hear and explain.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I understand the Chairman has recognized me to strike out the last word.

The CHAIRMAN. The gentleman from Ohio has just made the point of order that debate on the amendment is exhausted, but a motion to strike out the last word is in order.

Mr. TINCER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TINCER. I want to know how debate is now exhausted when two men have spoken in favor of the amendment and one against it? What rule is there that give two 5-minute speeches for an amendment and one against an amendment?

The CHAIRMAN. The rule is this: That at the end of 10 minutes, 5 on each side of the question, debate is closed if a point of order is made.

Mr. TINCER. But there have been two speeches for the amendment and one against it. I would like to make one against it myself.

The CHAIRMAN. The point of order has been made. The gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I realize that if held down to a strict application of the rules of the House I can not discuss this proposition on an amendment to strike out the last word; but I hope that the committee will hear me, because my State is one of the States that are very seriously affected by the pending amendment proposed by the gentleman from California. I notice, Mr. Chairman, that when the gentleman from Texas made his amendment to the substitute offered by the gentleman from Iowa practically the entire membership here, knowing that their States would thereby be deprived of a considerable portion of their representation in this House, stood up in protest against that amendment. [Applause.] Now, that brings me precisely to the subject of my own State as affected by the pending amendment, which I intend to discuss very briefly at this time.

I am opposed to the amendment proposed by the gentleman from California, whose purpose is to increase the ratio and keep the membership of this House where it is at the present time. One argument offered in support of this amendment, as disclosed in the minority report, is that there is no public demand for increasing the membership of the House. I am not aware whether there is or whether there is not a public demand for increased or decreased membership. Personally I can say that I have heard no comment from my section of the country one way or the other.

The main reason advanced by the minority of the committee for retaining the present number is one of efficiency. They claim that an increase in membership will make this body more unwieldy and cumbersome. To say that an increase will make this body more unwieldy and cumbersome means that it is unwieldy and cumbersome to-day; otherwise these words would not be used. If the House is to-day unwieldy and cumbersome,

why did not the minority members of the committee in their report recommend a substantial decrease in the present membership and thus carry their ideas of efficiency a little further along?

The minority report states that the effect of reapportionment upon any particular State or district should not be considered; that we should consider the general welfare alone—the welfare of the entire country. But the welfare of the entire country means the welfare of every part of the country, and, consequently, view this question as you will, there is and always will be a local consideration involved whenever this controversy appears. Members of the House affirm that they have no personal interest in this matter. Personally I join in this affirmation. I am not concerned with the question of personalities of the candidates for this House. Candidates may come and candidates may go, but the State remains forever.

I am opposed to any plan that takes away one-third of the representation of my State in this House and I feel certain that the people of my State are opposed to it. Gentlemen who come here from some of the larger States whose representation would be decreased by the proposed amendment—and, I observe, there are two such Members who signed the minority report of the committee—may be magnanimous in supporting the minority view and possibly their action may be considered the better part of statesmanship. Let them remember, however, that reducing the membership of a State one-eighth or one-thirteenth is quite different from reducing it one-fourth, one-third, or one-half as is proposed in the case of Maine, Rhode Island, and Vermont.

Yesterday I heard the gentleman from Wyoming, the majority leader, repeatedly point out that, under the plan of retaining the House at its present membership the proportionate representation of the various sections remains the same. This is undoubtedly true; but, I submit, that though the proportion of Representatives is not disturbed the proportion of population represented is considerably affected, at least in the State of Rhode Island. To-day each of the three Representatives from that State is representing over 200,000 people. Take away one Representative and each of the two Representatives for 10 years to come will represent more than 300,000 people. Thus your minority arrangement will put into each district in Rhode Island 60,000 people or more above and beyond the ratio proposed by the minority, and this number will be ever increasing in the 10 years to come. You can not find another case like it in the entire country in any State in which Representatives are apportioned by districts.

I am not exactly complaining. I am simply showing this anomaly, so that you may realize that there is something local to consider in this business apart from the high motives of statesmanship which you claim to be displaying in your regard for the general welfare.

The membership of the House to-day is not as great in proportion to population as it was over a century ago.

In 1800 the population was 3,308,483 and the membership of the House was 142. To-day the population is 105,683,108 with a proposed membership of 483 under the pending bill. In a century and a quarter it will thus be seen that the House membership has increased approximately fourfold while the population has increased approximately twentyfold.

I am not aware that any claim was made in 1800 that the House, with its then membership much larger in proportion to the population than the present House, was unwieldy and cumbersome; and yet we were then an agricultural country with no such vastly diversified and complicated interests as we have to-day, when our people are engaged so extensively in commercial and manufacturing as well as agricultural pursuits which have caused in the advancing years, and notably in the last decade, their concerns to become largely multiplied and interwoven.

In the last 10 years, especially during the war, the people of this country have come into closer touch with their Government than they have during any previous period, and therefore they need to-day in the House of Representatives, the popular branch, a larger representation than ever before. It is a well-known fact that the Members of this House have become and must remain in the future special advocates for the rights of their constituents in the various departments of this Government whose bureaus, year by year, are becoming more numerous.

I am inclined to pay very little, if any, attention to the argument of economy in this matter. It is not tenable. Paying its legislators can never become an abuse which will seriously run up the measure of the public debt, and I am not disposed to believe that any serious injury can ever happen to the country through paying its legislators their salaries. The fact is that you are cheating representative government unless you en-

deavor to fix a ratio that will at least assure some degree of intimate relationship with your constituents. By advancing the ratio from 211,877 to 242,415 as proposed by the pending amendment you are making a hasty transition which will, without sufficient justification, reduce the membership of about a dozen important States of this Union. [Applause.]

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Rhode Island asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. FAIRFIELD. Mr. Chairman, I object.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Rhode Island asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. TINCHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. SIEGEL. Mr. Chairman, I move that debate on this amendment and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on this amendment and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. TINCHER. Mr. Chairman and gentlemen, I am glad to avail myself of this opportunity to express my contempt for the Barbour amendment, which amounts to a transfer of a few Congressmen from one section of the country to another and taking advantage of an emergency growing out of the World War that called men from the producing sections of this country to the industrial sections, and taking advantage of an inaccurate census taken under those conditions to perpetuate the most unholy and unheard of and unjust reapportionment that was ever known in the American Congress. I say that it is deliberately taking advantage of the emergency that grew out of this war. I have no apology for what I said when I predicted that my distinguished friend from California [Mr. BARBOUR] would increase the number of California Representatives and decrease the number of Representatives in States like my own, and Iowa, Indiana, and Nebraska. I say that this House will rue the day that they are doing this. Even my friend who is the proponent of this amendment objected to inserting in the Record a letter from a man that accused us with proceeding on false premises and using inaccurate and improper figures in making a distribution of the Congressmen to represent the United States during the next 10 years. It may be all right. Maybe your conscience warrants you in taking advantage of this emergency to remove the proper representation from the agricultural sections. But do not say you are doing it in the interests of economy. None of you voted for the Jones amendment to actually reduce the representation in Congress.

I refer to most of the proponents of this amendment that is going to carry here and be permanent law for 10 years. I am impressed with the statesmanship of some of the argument that says, "My State will gain and your State will lose, and I am for a small Congress." I was particularly pleased with the statements of the gentlemen from Ohio Mr. LONGWORTH and Mr. FESS. [Laughter.] They were together. I do not think this House can afford to proceed without giving the committee the time to consider this matter that they unanimously voted for this morning.

I want to say that it does not affect my district. The district has too big a population and too big an area for redistricting for this to reach my section, but it does take one of our Representatives away from us, by reason of the fact that an emergency existed and our men were willing to go to the industrial centers, even to France. And you are providing because of that to take a Representative away from that great State. I am against the amendment, and I am not afraid to say so. [Applause.]

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The Chair will state that that would be an amendment in the third degree.

Mr. JONES of Texas. Debate was closed on the pro forma amendment and all amendments thereto.

The CHAIRMAN. On all amendments.

Mr. JONES of Texas. All amendments to that amendment, and he did not specify the original amendment. He simply moved that the debate be closed on the pending amendments and all amendments thereto, and the amendment pending at that

time was the pro forma amendment of the gentleman from Rhode Island [Mr. KENNEDY].

The CHAIRMAN. The amendment was still pending, and the motion was to close debate on the amendment and all amendments thereto.

Mr. JONES of Texas. The pending amendment was the pro forma amendment, and the motion was to close debate on the pro forma amendment and amendments thereto.

The CHAIRMAN. There was the Barbour amendment pending.

Mr. JONES of Texas. He did not specify the Barbour amendment.

The CHAIRMAN. The pro forma amendment of the gentleman from Rhode Island [Mr. KENNEDY] was not pending, the Chair understanding that the motion of the gentleman from New York [Mr. SIEGEL] referred to the amendment offered by the gentleman from California [Mr. BARBOUR].

Mr. JONES of Texas. He might have so intended it, but he did not so specify it.

Mr. SIEGEL. Mr. Chairman, I move to close debate on this section and all amendments thereto.

The CHAIRMAN. The gentleman from New York now moves to close—

Mr. JONES of Texas. I move an amendment that the debate shall close in five minutes.

Mr. BLAND of Indiana. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND of Indiana. At what time will it be proper to submit a motion to strike out the enacting clause? [Laughter.]

Mr. TINKHAM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TINKHAM. Does the motion of the honorable gentleman from New York [Mr. SIEGEL] cut off any amendment to the original paragraph?

The CHAIRMAN. It does not cut off amendment to the original paragraph. The gentleman from New York moves to close debate on this section and all amendments thereto.

Mr. JONES of Texas. I move to amend by closing the debate in five minutes.

The CHAIRMAN. And to that motion the gentleman from Texas moves an amendment that the debate close in five minutes. The question is on the amendment of the gentleman from Texas.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from New York to close debate on this section and all amendments thereto.

The motion was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from California [Mr. BARBOUR].

Mr. PELL. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. PELL. Can we have that amendment read? [Cries of "No!" "No!"]

The CHAIRMAN. Is there objection to the reading of the amendment?

Mr. CARTER. It is a big amendment, and I object.

The CHAIRMAN. Objection is heard. The question is on the amendment of the gentleman from California [Mr. BARBOUR].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MADDEN. Division, Mr. Chairman.

The committee divided; and there were—ayes 198, noes 77.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. TINKHAM. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TINKHAM: Insert, on page 3, between lines 17 and 18, after the words "Wyoming, 1," the following: "Provided further, That if any State deny or abridge the right of any inhabitants thereof, being 21 years of age and citizens of the United States, to vote at any election named in the amendment to the Constitution, Article XIV, section 2, except for participation in rebellion or other crime, the number of Representatives apportioned to that State shall be reduced in proportion to the number which such citizens shall bear to the whole number of citizens 21 years of age in such States."

Mr. LONGWORTH. Mr. Chairman, I make the point of order that the amendment comes too late. It is not in order to amend a paragraph that has been inserted in the bill.

Mr. MANN of Illinois. This is an amendment to add to the end of the section.

Mr. GARRETT. Mr. Chairman, I reserve a further point of order.

The CHAIRMAN. The Chair did not understand the gentleman from Ohio.

Mr. LONGWORTH. I make the point of order that the amendment is not germane to the bill. But I further insist that the amendment comes too late, as it is an amendment to a paragraph that has been inserted.

Mr. MANN of Illinois. Mr. Chairman, the gentleman from Ohio, if he will just consider for a moment, will realize that it is quite in order to offer an amendment and agree to it and to offer another amendment to follow the original amendment on the same subject matter. It is in order, although the two amendments would conflict with each other. This amendment is offered to follow the amendment already agreed to. It is to insert a new provision following the amendment which has been agreed to. It might have been offered as an amendment to that amendment, possibly, but it was not, and it is not required to be.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. MONDELL. Would the gentleman from Illinois consider this a new section?

Mr. MANN of Illinois. It is not a new section. It is offered to follow the provision of the first section already agreed to. There would be no debate.

Mr. GARRETT rose.

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. GARRETT. I desire to press the point of order last made by the gentleman from Ohio [Mr. LONGWORTH], at the proper time, that it is not germane. If the Chair cares to rule upon the first proposition, I will wait until he rules on that, and then I would like to be heard on the other, if the Chair overrules it.

The CHAIRMAN. The Chair would like to hear the gentleman from Ohio on his first point of order.

Mr. LONGWORTH. Mr. Chairman, the general rule is that where a paragraph has been inserted in a bill it is not in order to amend it. This, while it purports to follow and come after this paragraph, is in fact an amendment to the paragraph, and that has been adopted by the House. It does not seem to me that it makes any difference whether the amendment merely follows the paragraph or whether it changes the words in the paragraph. It is an amendment to the paragraph, and is offered as such; and the general procedure of the House is that a paragraph that has been inserted in the Committee of the Whole by amendment is not afterwards subject to amendment. The previous occupant of the chair, I think, within three or four days, has ruled on that point. It changes the amendment, the paragraph which has just been adopted by the House. It makes no difference whether it is offered to follow it or whether it is offered to change certain words in it. It does change that paragraph, and the rules of the House provide that you can not amend a paragraph which has been adopted or inserted by order of the House.

Mr. TILSON. Mr. Chairman, I do not believe that the gentleman from Ohio [Mr. LONGWORTH] will seriously insist that this is a new paragraph inserted here. The Barbour amendment states that it is an amendment to the first section of the bill. It begins at line 7, so that all the lines preceding line 7 remain in the original section. The remaining lines are stricken out, and this amendment is inserted in lieu thereof.

What remains of the original text is from the first line down to the seventh. It can not be that it is not permissible to add a proviso or an additional paragraph to the original section, even though a prior paragraph of the section may have been previously amended.

Mr. MADDEN. Mr. Chairman, I maintain that the point of order raised by the gentleman from Ohio [Mr. LONGWORTH] can not under the rules of the House be sustained, first, because section 1 of the bill still stands, except that it has been amended by the amendment offered by the gentleman from California [Mr. BARBOUR], but has not been adopted as amended; and therefore, pending the final adoption of the section in its amended form, the paragraph is still open to further amendment, and there can be no question that further amendment to the paragraph as amended, but not approved by the House in its amended form, may be offered.

I believe the amendment offered by the gentleman from Massachusetts [Mr. TINKHAM] is not only in order under the rules of the House but it is germane to the subject matter of the amendment proposed.

Mr. HUSTED. I would submit, Mr. Chairman, that the rule invoked by the gentleman from Ohio [Mr. LONGWORTH] applies

only where there is an actual change of the substance of the matter inserted by the amendment; where there is an actual substantial change in the matter actually inserted. In this case something has been added to it, but the matter actually inserted has not been changed. On that ground I submit the amendment is in order and according to the usual practice of the House.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. SNELL. Is it not a fact that if this amendment were adopted at this time it would change the subject matter of the amendment and what is therein contained?

Mr. HUSTED. No; it does not actually change the substance of the matter inserted by the original amendment. It does not change that at all. It adds something to it; but it must go further than merely adding something to it. It must actually change it, in order to come within the rule invoked by the gentleman from Ohio [Mr. LONGWORTH].

Mr. SNELL. I agree with the gentleman on that point, but it seems to me this does actually change the proposition.

Mr. TINKHAM. Mr. Chairman, as there is some controversy in relation to this amendment I will withdraw it and submit the following as a new section to be called section 2.

The CHAIRMAN. The Chair was ready to rule on the point of order made by the gentleman from Ohio. The gentleman from Massachusetts now withdraws his amendment and offers the following as a new section.

Mr. BLAND of Indiana. I object to the withdrawal of it.

The CHAIRMAN. The gentleman from Indiana objects to the withdrawal of the amendment.

SEVERAL MEMBERS. Rule!

The CHAIRMAN. The Chair overrules the point of order made by the gentleman from Ohio, and will call the attention of the gentleman to the rule.

Mr. LONGWORTH. I reserve a further point of order.

The CHAIRMAN. The further point of order is reserved. It is quite true that an amendment that has been agreed to may not be stricken out by another amendment. That has been held again and again. This motion does not come within the rule that would prohibit it so far as affecting the amendment offered by the gentleman from California is concerned. The Chair overrules that point of order and holds that the amendment is offered in time. The gentleman from Ohio will state his further point of order.

Mr. LONGWORTH. The merits or demerits of the amendment offered by the gentleman from Massachusetts have nothing at all to do with the point of order I am making, which is only as to the question whether it infringes the rules of the House or not.

It seems to me, Mr. Chairman, that the amendment offered by the gentleman from Massachusetts [Mr. TINKHAM] is not germane to this bill, because it introduces an entirely new element.

This bill fixes the representation of the various States, based on population and population alone. The amendment of the gentleman from Massachusetts [Mr. TINKHAM] would provide a test by which that representation might be diminished, notwithstanding the fact that the population would remain the same.

The gentleman cites Article XIV of the Constitution, which provides, among other things—

When the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States—

and so forth, that the representation shall be correspondingly reduced. In other words, it introduces into this bill an entirely new and separate proposition, to wit, the question as to whether the inhabitants of certain States do or do not do certain things when participating in elections, not only for Members of Congress but for local and State officers and members of the legislature.

Within the very limited time that I have had to look up any precedents I do not know that I can cite the Chair to any large number of them, but I do cite the Chair to the decision on March 26, 1897, when a tariff bill was under consideration in the Committee of the Whole House on the state of the Union.

This decision is referred to in the decision of Mr. Alexander, and is found on page 518 of the Manual.

In that case an amendment was offered to a tariff bill, which provided that when it is shown to the satisfaction of the Secretary of the Treasury that articles are manufactured, controlled, or produced in the United States by a trust or trusts the importation of such articles from foreign countries shall

be free of duty until such manufacture, control, or production shall have ceased, in the opinion of the Secretary of the Treasury.

It seems to me that the precedent comes very close to the proposition now before the committee. There they were considering the general subject of a tariff bill. The amendment offered related to the tariff, just as this amendment relates to representation, but it introduced a new element and provided a test under which certain articles should go on the free list if, in the opinion of the Secretary of the Treasury, their production was controlled by a trust.

In that case the amendment was held not to be germane to the bill, and the point of order against it was sustained.

This case provides a new test, under which certain States, regardless of their population, would not have the same representation that other States with the same population would have. If the Chair should hold this amendment of the gentleman from Massachusetts to be in order, why might it not be in order to offer an amendment to provide that where a State, for instance, interfered with the nineteenth amendment, giving the right of suffrage to women, the representation of that State should be reduced; or where any State failed to follow the constitutional provision as to the enforcement of any other amendment why might it not be reduced?

Mr. TILSON. Does the gentleman think that might be applied to a failure to enforce the eighteenth amendment? [Laughter.]

Mr. LONGWORTH. I should not be surprised if it would, although I did not mention the eighteenth amendment specifically.

But it seems to me, Mr. Chairman, that a distinctly new element is introduced into this bill, one which is not germane to the question of population, which is the underlying rule by which representation is determined under this bill.

I submit, therefore, that the amendment of the gentleman from Massachusetts [Mr. TINKHAM] is not germane to the bill and that the point of order should be sustained.

Mr. SNELL. Mr. Chairman, I desire to say just a word on this matter. I agree with the gentleman from Ohio that the merits of the amendment have nothing to do with the point of order. It seems to me we have before the House now a general proposition fixing the number of Representatives in Congress according to the provisions of the Constitution. This is a constitutional matter, and when a gentleman offers an amendment that is a copy of a certain section of the Constitution dealing with that matter, I can not see how it can possibly be ruled out of order.

Mr. MASON. Mr. Chairman, as I understood it, when I took the oath of office here I swore to support and obey the Constitution of the United States. If there is any rule of this House which overrides and overrules the constitutional provision which we have sworn to obey, viz, to make an apportionment, as suggested by the amendment of the gentleman from Massachusetts [Mr. TINKHAM], I think it would be the duty of the Chair to sustain the Constitution and override the rules of the House and to hold that they can not repeal the Constitution. The question is one of apportionment, apportionment as provided for in the Constitution, which I propose to insert here, and that directs what we shall do under certain circumstances. Whether it amounts to discrimination against a black man or against a woman, there is a certain duty to perform. Let us not be afraid to vote our convictions; give us a chance. To rule this out of order would be a violation of the spirit of the Constitution, which we have sworn to support, and a very strained construction of the rules of the House.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon this subject.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD upon this question. Is there objection?

Mr. MADDEN. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

Mr. BEE. Mr. Chairman, reserving the right to object, does the gentleman from Illinois [Mr. MASON] propose to extend his remarks on the subject of the point of order or upon the general subject matter of the resolution? I think there is no objection to his extending his remarks on the point of order which has been made.

Mr. MASON. I expect to extend my remarks upon the whole proposition.

Mr. ROMJUE. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Missouri objects.

Mr. ROMJUE. Mr. Chairman, I withdraw the objection.

Mr. LARSEN. Mr. Chairman, I object.

The CHAIRMAN. Objection is made by the gentleman from Georgia.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon this subject.

The CHAIRMAN. Is there objection?

Mr. LARSEN. I object.

Mr. MASON. In other words, the gentleman does not want us to express our convictions upon this subject?

Mr. LARSEN. Do I understand the proposed extension on the part of the gentleman from Illinois [Mr. MADDEN] is to apply to the point of order or—

Mr. MADDEN. My remarks would apply to the point of order and anything incident to the point of order.

Mr. LARSEN. Mr. Chairman, I object.

Mr. TINKHAM. Mr. Chairman, the rule involved is the seventh paragraph of Rule XVI, which I quote:

And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The proposed amendment is in relation to representation. Therefore it is not different. To be sure, it relates to a constitutional amendment, but whether it related to a constitutional amendment or not would not violently affect its relativity. The House, if it wished, aside from any constitutional amendment, might incorporate a provision which said where States had outrageously and continuously and persistently disfranchised their citizens so that it became a scandal in these United States it would give to those States a certain representation, and it might add a proviso that if those States did not correct their laws, did not correct their practices, then there should be a reduction of such representation. I think there is no question that it is perfectly relevant for this Congress to add a provision, in proper language, that the nineteenth amendment shall be enforced. The nineteenth amendment gives in terms to Congress the authority to enforce it, and in passing a bill in relation to apportionment of Representatives among the several States there is no question, in my opinion, that a legislating proviso might be made providing that unless the nineteenth amendment is obeyed the States should suffer a penalty perhaps of reduction of representation, for any section of the Constitution concerning constitutional franchise rights is relevant to a bill which seeks to carry out the rights of the States to their votes or representation in Congress. But in this particular matter we have, in addition to the question of relativity, an exact constitutional provision. We not only have a constitutional provision, but the very constitutional provision under which this bill is authorized and has been reported to this House. What is the House now doing? This House is now doing what the fourteenth amendment to the Constitution requires in this bill. Section 2 of Article XIV provides:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

That is the very thing that is being done here at this time by this bill. Then the rest of this very section provides:

But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Is it possible that the question of germaneness or relativity can be raised as to this proposed amendment of mine, when it merely proceeds to enact into statute law, as a part of this bill, a provision which is required, which is mandatory, which is a part of the very constitutional authority under which this bill is before the House, and in accordance with the rules under which the House is now proceeding?

The CHAIRMAN. The Chair would ask the gentleman a question. The Chair wants to be clear as to just what the gentleman from Massachusetts is insisting upon. The provision of the Constitution which the gentleman has read provides that where States deny the right of suffrage to certain citizens the representation of that State shall be reduced, and that provision is mandatory. Does the amendment of the gentleman from Massachusetts accomplish anything in the direction of advising the House or the Committee on the Census or any body authorized to act with respect to the denial of the right of franchise, so as to reduce the membership of those States in the Congress? The Chair would like to get just what the gentleman from Massachusetts has in mind with respect to his amendment. He is proposing to enact as a part of the statute law what is already a part of the Constitution.

Mr. TINKHAM. Mr. Chairman, I do not know how much good or how much virtue there may be in adding to a statute what is a part of the Constitution, when it is a mandatory part of the Constitution, and when it has not been obeyed by this House or by preceding Houses; but it will give, first, the

authority of statute law, if it is adopted, in support of constitutional law, and if it be adopted it will also add to this bill the weight of an expression of this Congress to the effect that what the fourteenth amendment calls for, what the fourteenth amendment demands, has the approval and not the disapproval of this House.

It adds a statute law to a mandatory constitutional law, and if it expresses the opinion of this House, surely there is some advance made by adopting it in the direction of constitutional enforcement, in the direction of law and order and justice in this Republic.

Mr. Chairman, the most luminous opinion in relation to the question of germaneness or relativity is one which was made by Speaker John D. Carlisle, which has been so often quoted, and I read now from Hinds' Precedents, volume 5, section 5825, page 423. In a long and very carefully and clearly stated opinion the philosophy of this rule of the House is given.

The sentence is as follows:

When, therefore, it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that it—the proposed amendment—is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule; and if the Chair, upon an examination of the bill under consideration and the proposed amendment, shall be of the opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment, subject, of course, to the revisory power of the Committee of the Whole on appeal.

In other words, can it be fairly said that the amendment I have offered is on a different subject than that of representation in this House under the Constitution? It can not be, Mr. Chairman, because it applies to representation in this House; it applies to nothing else. It reenacts into statute law merely the purpose and the spirit of the Constitution—almost the very words. If anything can be relative, if anything is of the warp and woof of relativity, surely such an amendment is germane to this proposition. It would not be germane to any other proposition except this proposition.

The CHAIRMAN. Would not the gentleman from Massachusetts under the mandate of the Constitution be permitted at any time to bring in a resolution as a matter of privilege reducing the representation in any State that had denied the right of suffrage as prohibited by the fourteenth amendment?

Mr. TINKHAM. Mr. Chairman, there is not any question but what under the fourteenth amendment at any time a resolution can be brought in and Congress may take action in accordance with its judgment. I might say that a resolution on that matter is now before the committee over which presides the Chairman who is now presiding over this House. That, however, does not affect the question of relativity of this amendment which I have offered, that it can be done in another way or at another time. The question is, Does the amendment relate to the subject matter? It relates to nothing else but the apportionment of Representatives, because in the very section providing for apportionment in the Constitution there is provided what shall occur upon the contingency of disfranchisement. Mr. Chairman, again I will say that my theory is this: The House can act in reducing representation at any time, but now the House is passing a general apportionment act for 10 years, therefore the amendment to the Constitution which is general, too, should be applied in a general way. The fourteenth amendment apportions Representatives on a population basis among each State, and then says if the right to vote is denied or abridged in any way such State shall have its representation reduced, which, of course, means any or all States which disfranchise shall be reduced in representation, and we are passing a general bill.

Mr. GARRETT. Mr. Chairman, the remarks of the gentleman from Illinois [Mr. MASON] lead me to call the attention of the Chair, and of course of the gentleman from Illinois, to the fact that this is not a question of enforcing the Constitution. This question is merely whether the legislative proposition is in order to be offered in the place it is offered and at the time it is offered. If the reasoning of the gentleman from Illinois [Mr. MASON] were good, why, it would be in order at any time to offer such a proposition as this upon one of the regular appropriation bills, and the Chair would be subject to the charge, as implied by the gentleman from Illinois, that he would be overruling the Constitution of the United States if he refused to give him an opportunity to vote upon what he conceived to be a proper construction of that instrument, although such opportunity was offered upon an appropriation bill. Another thing I think gentlemen should understand, and this is also induced by the remark made by the gentleman from Illinois [Mr. MASON] when he referred to the colored voter. The gentleman from Illinois must be of opinion that this pro-

posed amendment is predicated upon the fifteenth amendment to the Constitution. It is not. This amendment is not predicated upon the "race, color, or previous condition of servitude" amendment to the Constitution.—It is predicated upon the fourteenth amendment. At least I presume it is, because it quotes almost the exact language of the fourteenth amendment. Now, the simple question before the Chair is whether or not it is germane, and there are a few observations I should like to make in that particular. Clause 7 of Rule XVI provides:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

This rule was adopted in 1789 and superseded the provisions of parliamentary law as given in Jefferson's Manual, paragraph 460 of the House Manual, from which I read:

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition by making it bear a sense different from what it was intended by the movers, so they vote against it themselves.

That was the parliamentary law up to the adoption of the first rules of the House in 1789 when the provision which I quoted a moment ago was inserted, and it was to meet that very parliamentary practice. This rule has always been strictly construed. In the very case which the gentleman from Massachusetts [Mr. TINKHAM] cited the decision of Mr. Speaker Carlisle—he was not then Speaker but Chairman of the Committee of the Whole—in that very case he sustained the point of order, the very case which the gentleman quoted, on the ground that the proposition was different and was therefore not germane.

I say it has always been strictly construed, and in construing it it is not only legitimate, but it is essential that the Chair should consider the legislative effect of the amendment, if adopted, upon the bill as reported. I do not mean that the Chair should consider the policy—that is not the Chair's duty or function—but he must consider the effect to the extent of determining whether it is germane. Therefore these principles have been laid down. I am reading from section 778 of the House Manual:

(a) One individual proposition may not be amended by another individual proposition, even though the two belong to the same class.

That is one principle.

(b) A specific subject may not be amended by a provision general in nature, even when of the class of the specific subject.

I ask the Chair to bear the language which I have just read particularly in mind.

A specific subject may not be amended by a provision general in nature, even when of the class of the specific subject.

And again:

(d) Two subjects are not necessarily germane because they are related.

Mr. MOORE of Virginia. Will the gentleman yield right there for a question?

Mr. GARRETT. I will yield to the gentleman.

Mr. MOORE of Virginia. Looking at the Constitution, would it not be equally germane, if this proposition is true, to provide that each Representative shall be 21 years of age, shall have been an inhabitant of the United States for seven years, shall be a resident of the State, and so on?

Would it not be equally germane to put provisions of that sort in this bill, or go further and provide that, in the case of a vacancy occurring, a writ of election shall be issued by the Speaker? Are there not, in other words, a large number of requirements in Article I of the Constitution, and in its amendments, which might properly be incorporated in this bill, if the views expressed by the gentleman from Massachusetts and the gentleman from Illinois are tenable?

Mr. GARRETT. The gentleman is correct. In fact, it would be more nearly in order to include the several subjects which the gentleman has itemized as amendments to this bill than would be this amendment proposed by the gentleman from Massachusetts, and for this reason—

Mr. TINKHAM. Will the honorable Representative from Tennessee yield?

Mr. GARRETT. In just a moment. Let me express this thought, and then I will be glad to yield to the gentleman. The proposed amendment is an effort to attach a general provision, in principle, if you please, and wholly indefinite in character and scope, to a measure which, while general in terms, is specific in detail. If admitted and adopted it would render uncertain and chaotic every specific provision of the section which it is attempting to amend.

I now yield to the gentleman from Massachusetts.

Mr. TINKHAM. Is the honorable Representative from Tennessee aware that in the apportionment bill of 1872 this very language was used and stood as the statute law under that act for 10 years?

Mr. GARRETT. So far as I know, that is still the law. It appears in the Revised Statutes.

Mr. TINKHAM. It not only is the law, but on the 20th of December, in the recodification of laws, this House approved its reenactment.

Mr. GARRETT. With all possible respect, that is entirely aside from the question we have before us now.

Mr. TINKHAM. There is no question about that. [Laughter.]

Mr. GARRETT. Of course, it is a familiar principle of parliamentary law, as practiced in the House, that an amendment may be offered which is inconsistent with one already agreed to, if germane, and the Chair is not called upon or permitted to draw questions of consistency within the vortex of order, but that principle has no application to the question now before the Chair. I respectfully submit that it is a sound principle of practice that an amendment which is proposed, whereby the character of the measure to which offered is to be altered, must in its terms be as specific and certain as are the provisions that it is terms to amend.

And the Chair may legitimately determine whether this test is met. Now, the amendment proposed by the gentleman from Massachusetts does not meet this requirement. It is readily discerned that it would if adopted throw the entire apportionment act into confusion and chaos. If attention is paid to it, no State, no individual, could know what the State's representation in Congress is to be or what its electoral vote is to be for the next 10 years.

Mr. TINKHAM. Will the honorable Representative from Tennessee yield?

Mr. GARRETT. Yes.

Mr. TINKHAM. In relation to a question of relativity or germaneness, what does uncertainty have to do with it if the amendment is relevant? A point of order might be sustained on account of uncertainty, but if it were relevant how can uncertainty bear upon the question?

Mr. GARRETT. Because it is not germane. A thing may be relative without being germane to a proposed law.

Mr. TINKHAM. Can a thing not be germane and yet be uncertain?

Mr. GARRETT. I do not understand the gentleman's question.

Mr. TINKHAM. I say, can not an amendment be germane and at the same time uncertain?

Mr. GARRETT. Oh, I think that is possible, of course. But I trust I am having better success with the Chair in making myself clear than I am with the gentleman from Massachusetts.

Beyond creating this utter confusion and chaos, the amendment which is offered by the gentleman from Massachusetts presents nothing that is clear or discernible at this time. It presents no specific number of Representatives to be apportioned to any State, and that is what this section of this bill to which it is offered as an amendment does. It offers nothing certain for the certainty which it would destroy.

It is a mandatory duty of the Congress under the Constitution to determine the number of its Members and to apportion them among the several States under the Constitution, "according to their respective number, counting the whole number of persons in each State, excluding Indians not taxed." No other governmental body or agent has the power to do this, and that is what this bill is for, and it does it specifically and exactly. The amendment of the gentleman from Massachusetts, if adopted and heeded, will do nothing but confound the measure, without offering any specific thing in its place. And therefore I submit that it does not come within the rule of germaneness, and is subject to the point of order made by the gentleman from Ohio [Mr. LONGWORTH].

Mr. FISH. Mr. Chairman, I submit that this House has precedents in support of the amendment offered by the gentleman from Massachusetts. At the time the Southern States were permitted to reenter the Union similar amendments, practically word for word, to that presented by the gentleman from Massachusetts were incorporated in legislation passed by both Houses, making it necessary for those States to ratify not only the Constitution but in particular and specifically the thirteenth and fourteenth amendments. I submit, therefore, gentlemen of the committee, that we have an established principle, an established precedent, which has been used not once but many times in this House. [Applause.]

Mr. MONDELL. Mr. Chairman, we have before us a bill which proposes the apportionment of Representatives in the various States on the basis of the recent census. We are proceeding to provide this new apportionment under a mandate of the Constitution. The Committee on the Census might have included in its bill much more than they did include. It might

have included in its bill any related subject matter within the jurisdiction of the committee. But what the committee did was to confine itself strictly to carrying out the constitutional mandate contained in Article I of the Constitution for the reapportionment of Representatives in Congress on the basis of the census figures and a few simple provisions with regard to redistricting and nominations. Nothing contained in the bill or any of its sections relates to any other matter. The subject matter of the bill is the apportionment of Representatives on the basis of the census figures.

The gentleman from Massachusetts has offered an amendment the purpose of which it is quite difficult to judge. We may only surmise, for, as a matter of fact, from my view of the matter, the amendment he has offered would have no effect whatsoever; would serve no purpose whatsoever. It is a mere recitation of words taken largely from the fourteenth amendment to the Constitution, without any provision whatever for the enforcement of the objects and purposes of the said fourteenth amendment.

We must assume in a case of this kind that the gentleman from Massachusetts had some object or purpose in presenting the amendment, even though in our opinion the amendment accomplishes nothing, would accomplish nothing, and would serve no useful purpose if it were a part of the bill.

The only possible reason or excuse that one can imagine or assume for the interjection of the amendment at this point or in this bill is that the gentleman from Massachusetts [Mr. TINKHAM] believes or imagined that in some way or other it would affect the propositions of the fourteenth amendment. He may have thought or imagined that in some way or another it would have some effect in the enforcement of the provisions of the fourteenth amendment; and while it would have no such effect, would standing by itself accomplish no purpose, we can not discuss the point of order in connection with it without assuming that it was intended to accomplish some purpose. It is rather a violent assumption that any good purpose would be served, but—

Mr. TINKHAM. Mr. Chairman, will the honorable Representative yield to a question?

Mr. MONDELL. We must assume that some purpose was intended. Yes; I yield.

Mr. TINKHAM. Does the honorable Representative from Wyoming think that it does not serve a good purpose to bring to the attention of the House constitutional mandates that are ignored and defied, no matter how they are brought before this body?

Mr. MONDELL. Well, I assume that the gentleman from Massachusetts in presenting the amendment had some further object than a mere reminder of the words of the fourteenth amendment. Most of us who love the Constitution, and revere it, frequently read that great instrument, and we are, most of us, more or less familiar with its provisions, and therefore we do not understand that any particular useful purpose is subserved by injecting into a piece of legislation the language of the Constitution, even those provisions of the Constitution which we most revere and approve.

Mr. TINKHAM. Will the gentleman yield for another question?

Mr. MONDELL. I yield.

Mr. TINKHAM. Has this House ever attempted, so far as you know, to enforce the fourteenth amendment, and is not the fourteenth amendment as much a living and vital part of the Constitution as any other part?

Mr. MONDELL. Mr. Chairman, I am attempting to confine my remarks to the point of order that has been raised. I am not attempting, and it would not be proper for me to express any opinion in regard to the fourteenth amendment at this time, to speculate as to what might or ought to be done in regard to it, and how it should be done. Under the rules of the House I am confining myself to the discussion of the point of order. That is what I am trying to do. If the amendment offered by the gentleman from Massachusetts has any purpose whatever, and would serve any purpose whatever, and would be in any wise effective, which it would not, it would be in the enforcement of the fourteenth amendment to the Constitution in the event of a certain contingency.

Now, the committee might, in reporting the bill, have gone into the matter of the fourteenth amendment to the Constitution, in my opinion; it might have made an effort to enforce the provisions of the fourteenth amendment, or to place them in the position, or on the road, or in the way of an enforcement. The committee did not see fit to do that, and no amendment is germane to this bill, first, which treats of a subject matter different from that contained in the bill; second, that treats of a matter in the bill; but not in the manner provided for in the

bill as reported by the committee. The committee did not invoke the provisions of the fourteenth amendment. The committee specifically provided for an apportionment based on the census. It injected no further question into its legislation; and it certainly is not in order on a bill providing simply for an apportionment of Representatives among the States based upon the census to present an amendment the purpose of which may be assumed to be an attempt to enforce an amendment to the Constitution dealing with an entirely different matter or dealing with the same matter in an entirely different way from that in which the bill deals with it.

Mr. TINKHAM. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield.

Mr. TINKHAM. Does the honorable Representative from Wyoming think that the committee proceeded in the face of a mandatory amendment to the Constitution to make a reduction in representation legal if it did not in good faith make some attempt to enforce the constitutional amendment?

Mr. MONDELL. Oh, well, Mr. Chairman, that is not a discussion of the point of order.

Mr. TINKHAM. I would like an opinion.

Mr. MONDELL. That is a criticism of the committee.

Mr. TINKHAM. It surely is; and I am asking you, as leader of the dominant party here, whether you approve of that action? That is my question.

Mr. MONDELL. It is very evident, Mr. Chairman, that I did not approve this bill as the committee brought it in, but I hope to be able to entirely approve it as it shall pass the House.

Now, Mr. Chairman, let me again emphasize this thought: Of course, the amendment would have no effect; it is not self-executing; it is simply a recitation of a part of an amendment to the Constitution. That amendment can not be enforced without legislation. It would not be wise to attempt to enforce it without some basis of information, and I assume that is why the committee did not treat of the matter at all. It is, I think, well known that the committee lacked information on which it could act wisely and intelligently. In fact, my understanding is that there is no information available on which we could now act intelligently, and that is no doubt the reason why the gentleman from Massachusetts [Mr. TINKHAM] has presented no plan or provision for the carrying out of the provisions of the fourteenth amendment.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield.

Mr. LONGWORTH. As a matter of fact, would it have been in the jurisdiction of the Committee on the Census to treat on any subject except population, as provided?

Mr. MONDELL. For the sake of the argument, I am willing to admit that it might have been possible for the committee to have legislated upon other subjects. That, of course, as the gentleman knows, would not change the situation.

Mr. LONGWORTH. Of course not.

Mr. MONDELL. Because a committee does not run the entire gamut of its jurisdiction, but confines itself closely to one particular feature of it, does not justify or authorize the offering of amendments not germane to the measure the committee reports, though they may be within the jurisdiction of the committee. So that it really matters not whether or no this committee has jurisdiction of the general question of the fourteenth amendment, the question of the denial of the right of citizens to vote, and of the action that might be taken were there such a denial and the facts were established before the committee. That is a wide field, entirely outside of and beyond anything the committee has attempted. The committee is performing its duty under Article I of the Constitution. The gentleman might just as well have offered in any other amendment to the Constitution, the eighteenth, the nineteenth, the tenth, the twelfth, or all of them, as to bring in this particular provision, which has to do with a provision of the Constitution not in any way invoked in this legislation, and refers to a reduction of representation based upon a contingency the existence of which has not been established and could not be established by any provision in the amendment.

I perhaps have said enough on the proposition that the amendment would be perfectly innocuous if it were in the bill. It would be simply confusing. It is not self-enforcing. No machinery is provided for the enforcement of the fourteenth amendment, but a matter entirely unrelated to the provision of section 1 is presented here in the form of an amendment which is in fact a mere recitation of the words of a section of the Constitution.

Mr. TOWNER. Mr. Chairman, I desire to call the attention of the Chair to this amendment, which I believe is not germane to the bill and has no connection with it.

It is quite unnecessary to call the attention of the Chair to the fact that section 2 of the fourteenth amendment consists

of two entirely different propositions. The first sentence provides and makes mandatory that Congress shall every 10 years make an apportionment among the States of the number of Representatives according to population. That proposition ends there. That is a duty that has been performed. The bill under consideration complies with that requirement.

Mr. TINKHAM. Will the gentleman yield?

Mr. TOWNER. No; I can not yield to the gentleman.

Mr. TINKHAM. For a question?

Mr. TOWNER. No; not for a question. That proposition is entire and finished. The committee has performed that duty when it has brought in this bill at this time. We have brought in a bill providing for an apportionment according to the Constitution. Now, what follows? I ask the careful attention of the Chair to this proposition. The statement is then made—and that is the commencement of the next proposition, the second proposition, which is an entirely distinct one—that in any election, if any citizen of the United States or if citizens of the United States shall have their right to vote denied or abridged, then Congress may reduce their representation in Congress in proportion to that reduction.

I call the attention of the Chair to the fact that the language is that it may be reduced. Reduced from what? Certainly from some standard. From what standard? The standard that the Constitution provides, and which we have already established in this bill, the standard which fixes the apportionment according to the number of people in the United States. The Constitution provides that it shall be done according to that, and it is the first thing to be done. Then afterwards, after that standard has been established, and never until some standard shall have been established and enacted into law, can reductions be made.

How can reductions be made when we are called upon here to make the standard from which reductions shall be made? They can be made and will be made possibly if the gentleman from Massachusetts [Mr. TINKHAM] is as insistent on performing his duty as he asserts that he is.

At any time after the standard has been fixed, as it has been fixed in this bill, if he can show that in any State of the Union the right to vote has been denied or abridged, then Congress may reduce the standard which is here established in this bill in proportion to the amount that he shows that the right to vote has been denied or abridged. If that is not clear, then it seems to me I do not understand the language of the Constitution.

Mr. TINKHAM. Will the gentleman yield?

Mr. TOWNER. No; I decline to yield. I do not want to take up the time in answering questions. Gentlemen who argue here that this provision should be enforced should try to do so both intelligently and effectively. If they claim that in any State of this Union there has been a denial or abridgment of the right to vote, let them come in and show that at some election—because the provision of the Constitution says “any election”—the right to vote has been denied or abridged. Probably it has. Probably they can show it. But what good is there in coming here and asking that a bill be amended by inserting a repetition of the Constitution that, as has been suggested here again and again, has no force and effect whatever in itself; and in how ridiculous a position does it place the Congress of the United States to reenact a provision of the Constitution already existent by inserting it as a mere act of the legislature. It certainly seems to me that there is no pertinency or relevancy to it, and that this proposed amendment is not germane to the proposition, because until it can be shown that it has something to do with what has been done in this bill, certainly it has no germaneness to this bill.

SEVERAL MEMBERS. Rule! Rule!

Mr. TINKHAM. Mr. Chairman—

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts briefly.

Mr. TINKHAM. In reply to the honorable Representative from Iowa [Mr. TOWNER], who has just taken his seat and who has stated that this is an unrelated matter at this time, because we are passing a general bill in relation to representation among the several States, let me read what Representative Garfield, subsequently President of the United States, said on the 6th day of December, 1871, in relation to the bill putting into effect the first apportionment of Representatives after the passage of the fourteenth amendment.

He said:

In the State of Massachusetts people are deprived of suffrage on account of inability to read and write. All such persons under the constitutional amendments which I have indicated must be subtracted from the total population of Massachusetts before we can know what is her representative population. If in the Southern States men are still denied the right to vote in consequence of race or color or for lack of property qualification, their total must be reduced accordingly. I do not know what sum may be subtracted in any State. I am aware

that the facts are very difficult to ascertain, and perhaps the result may not change the number of representatives in any State, but it is clear that we ought to have all the facts before we proceed to fix the relative number of Representatives of the States.

The gentleman is a member of the Census Committee. What has he done to obtain the facts in relation to disfranchisement; what has he done in order to carry out the constitutional mandate? There is no necessity of this bill being here at this time. It can be passed at the next Congress. The honorable Representative has brought a bill here plainly and completely unconstitutional and unlawful.

Mr. SIEGEL. Mr. Chairman, I make the point of order that the gentleman is not discussing the point of order.

Mr. LONGWORTH. Mr. Chairman, I submit that the argument just made by the gentleman from Massachusetts [Mr. TINKHAM] is conclusive proof that his amendment is not germane to this bill.

The CHAIRMAN. The Chair is ready to rule. The committee has under consideration the bill (H. R. 14498) for the apportionment of Representatives in Congress amongst the several States under the Fourteenth Census. The first section of the bill provides, as amended by the amendment offered by the gentleman from California [Mr. BARBOUR], a definite number of Representatives from the several States. We are proceeding under Article I of the Constitution to apportion Representatives in Congress among the several States according to population ascertained by the Fourteenth Census. The gentleman from Massachusetts [Mr. TINKHAM] offers this amendment to section 1 of the bill:

Provided further, That if any State deny or abridge the right of any inhabitants thereof, being 21 years of age and citizens of the United States, to vote at any election named in the amendment to the Constitution, Article XIV, section 2, except for participation in rebellion or other crime, the number of Representatives apportioned to that State shall be reduced in proportion to the number which such citizens shall bear to the whole number of citizens 21 years of age in such State.

The gentleman from Ohio [Mr. LONGWORTH] makes the point of order that this amendment is not germane to the section under consideration.

The question as to whether or not this amendment is germane to section 1 of the bill demands an inquiry into the purpose of that section and, as far as can be ascertained, the purpose of this amendment. That section fixes a definite number of Members from the several States according to the census returns. The amendment does not fix or relate to a definite number of Members; on the contrary, it leaves the number of Members apportioned to any State to a contingency that may arise in the future. It has been held by well-considered decisions that even though a subject relates to the same matter, yet if it introduces a new element or an element of uncertainty, or if it provides a future action upon the happening of something indefinite, the matter so offered is not then germane as an amendment.

A very well considered opinion was delivered upon that subject by a former Vice President of the United States, Mr. Sherman, when a Member of this House. The House had under consideration a tariff bill. An amendment was offered to the dutiable list by the gentleman from Missouri, Mr. Dockery, providing that articles contained in the section providing for the dutiable list should, upon the ascertainment of a certain fact, be placed on the free list. A point of order was made by Mr. Dingley that the amendment was not germane. The Chairman decided that the element of uncertainty introduced in the amendment offered by the gentleman from Missouri made it not germane to the section in question and sustained the point of order.

In this case the amendment offered by the gentleman from Massachusetts provides:

That if any State deny or abridge the right of any inhabitants thereof, being 21 years of age and citizens of the United States, to vote at any election named in the amendment to the Constitution, Article XIV, section 2—

The Chair finds on referring to that section that it relates to the following matters:

But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof is denied to the male inhabitants of said State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Is the enactment into law on an apportionment bill under the Fourteenth Census of those provisions of the Constitution germane as an amendment? The Chair is unable to arrive at the conclusion that the amendment is germane, and therefore sustains the point of order.

The Clerk read as follows:

SEC. 3. That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the districts now prescribed by law until such State shall be redistricted in the manner provided by the laws thereof; and in accordance with the rules enumerated in section 2 of this act; and if there be no change in the number of Representatives from a State, the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted as herein prescribed.

Mr. BARBOUR. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. BARBOUR moves to amend by striking out all of section 3 of said act and by inserting in lieu thereof the following:

"SEC. 3. That in case of an increase in the number of Representatives in any State under this apportionment, such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the districts now prescribed by law until such State shall be redistricted in the manner provided by the laws thereof and in accordance with the rules enumerated in section 2 of this act. If there be no change in the number of Representatives from a State, the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted as herein prescribed, and if there be a decrease in the number of Representatives from any State and the legislature thereof in session after the passage of this act fails to redistrict such State and the laws of such State make no other provision therefor, then the governor of such State is hereby empowered to redistrict such State as provided in section 2 herein, provided the failure of any legislature to redistrict any State is not caused by the veto of the governor thereof."

Mr. BARBOUR. Mr. Chairman, this amendment is in the nature of a perfecting amendment made necessary by the one previously adopted retaining the membership of the House at 435.

The bill which was reported by the committee fixed the membership at 483, and with a total membership of 483 the representation of no State was reduced. Under the amendment adopted fixing the membership at 435 the numerical representation of 11 States will be reduced, and it is therefore necessary to provide a method for redistricting those States. That is the purpose of the amendment.

Mr. GARRETT. Will the gentleman yield?

Mr. BARBOUR. I will yield to the gentleman from Tennessee.

Mr. GARRETT. I presume that it is the case in every State, as it is in mine I am sure, that the constitution of that State makes provision as to the districting, and conferred that power upon the legislative body. If that is true, how could this Congress by an act prescribe in the face of a State constitution that the governor shall do it? He is given no such power by the constitution of his State.

Mr. BARBOUR. I will state in reply to the gentleman from Tennessee that there is a constitutional provision that the State shall prescribe the time, manner, and places of electing Representatives. That is followed by the provision that the Congress has power to make or alter those regulations. In other words, the absolute power is in the Congress to redistrict States if it should see fit to do so under the provisions of the Federal Constitution.

Mr. GARRETT. May I continue this just a moment; will the gentleman yield further?

Mr. BARBOUR. I will yield.

Mr. GARRETT. Does the gentleman think, even assuming that he is right and that the right does exist in the Congress to redistrict the States, a power which I am not prepared to admit, but assuming that it does exist, does the gentleman think that the Congress can delegate that power to a governor?

Mr. BARBOUR. I think under the provisions of the Constitution that we can make or alter regulations prescribed by the State. This gives absolute power and control over the election of Representatives.

Mr. ASWELL. Will the gentleman yield?

Mr. BARBOUR. I will yield to the gentleman.

Mr. ASWELL. As I understood the reading of the gentleman's amendment, the gentleman made no provision for the governor appointing in case of an increase. Why make one in case of a decrease?

Mr. BARBOUR. I can not hear the gentleman from Louisiana.

Mr. ASWELL. As I understood the reading of the gentleman's amendment, he proposed to provide in case of a decrease that the governor appoint, but in the case of an increase the gentleman makes no such provision?

Mr. BARBOUR. No.

Mr. ASWELL. Why not?

Mr. BARBOUR. In the event the legislature does not act and there is no provision of law, then the governor shall act.

This is to provide for the contingency in which there is no exercise of the power to district a State.

Mr. ASWELL. Why did not the gentleman say in case of an increase?

Mr. BARBOUR. In the case of an increase they are elected at large. Here we have the case of a decrease, where we are up against an entirely different proposition.

Mr. ASWELL. Why not elect them at large in these districts?

Mr. BARBOUR. Does the gentleman wish an entire State delegation elected at large?

Mr. SANDERS of Louisiana. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. SANDERS of Louisiana. Would it not be fairer to the State to add to section 3, as it is at present written in the bill, the following amendment:

Strike out the period at the end of the word "prescribe"—

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARD. Mr. Chairman, I desire to offer an amendment.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from California [Mr. BARBOUR] be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SANDERS of Louisiana. Would it not be fairer, I suggest to the gentleman from California, to make this provision:

And in case of a decrease in the number of Representatives in any State under this apportionment the Representatives from said State shall be elected by the State at large until such State shall be redistricted as herein prescribed.

Mr. BARBOUR. I do not think so.

Mr. KEARNS. Suppose the governor refuses to act, what happens? The gentleman says if the legislature refuses to act it will authorize the governor to redistrict. Suppose he would not act?

Mr. BARBOUR. I suppose he could be mandamus'd, or the Representatives could be elected at large.

Mr. SIEGEL. Will the gentleman yield to me?

Mr. BARBOUR. I will.

Mr. SIEGEL. Under this condition, then, would come the question for the House to determine who should be seated in the event an election took place. That occurred once, as far as California was concerned, where they elected three instead of two, and the House determined the question.

Mr. NEWTON of Minnesota. As I understand, the purpose of the gentleman's amendment is this, to allow the States to continue to provide through their legislatures how they shall act, but in the event they fail to act, in order to prevent a manifest miscarriage of the intent of Congress, then the authority is delegated to the governor of the State?

Mr. BARBOUR. That is the sole purpose of the amendment.

Mr. ROMJUE. I do not know that I correctly gather the meaning of the amendment the gentleman has offered.

Mr. SANDERS of Louisiana. Mr. Chairman, I offer the following amendment.

Mr. SIEGEL. I make the point of order that the gentleman from California has the floor.

The CHAIRMAN. The gentleman from California has the floor.

Mr. DYER. Mr. Chairman, the gentleman from California has yielded to my colleague from Missouri to ask a question.

The CHAIRMAN. The Chair is aware of that.

Mr. DYER. I do not think the House is.

Mr. ROMJUE. I do not know that I have the true interpretation of the amendment. I understand from the amendment that in that event the legislature does not designate the redistricting in case of a decrease in membership?

Mr. BARBOUR. Yes. And there is no other provision in the law of the State.

Mr. ROMJUE. And in the case of the law of Missouri, where the constitution vests authority in the governor, the secretary of state, and the attorney general, your amendment would not affect it?

Mr. BARBOUR. No. I take it from the gentleman's statement that the constitution of his State does provide a method.

Mr. ROMJUE. Yes. And this amendment only affects such States where the legislature fails to act and where no other authority is provided?

Mr. BARBOUR. Where there is no other method of doing it. Mr. SUMNERS of Texas. Will the gentleman from California yield?

Mr. BARBOUR. I will.

Mr. SUMNERS of Texas. Has the gentleman considered the advisability of leaving to the discretion of the State the elec-

tion of the membership at large, even if it did not desire to choose them in the method indicated here?

Mr. BARBOUR. We have considered it, and we did not think it advisable. The theory is that the election of Congressmen should be by districts, that they should be so elected. There might be some political advantage that could be gained in the way the gentleman has suggested. If the State is districted according to the theory of the Constitution and according to the practice of times hitherto, no harm can be done or any injustice result. We are simply providing—

Mr. SUMNERS of Texas. Just another suggestion. I realize the difficulty if you should elect at large, but if the people in the State are very definitely of one political faith it is to be presumed that the governor would be of that same faith.

Mr. BARBOUR. I presume so.

Mr. SUMNERS of Texas. And it would be a fair presumption that the governor would appoint such a one as the people might elect? I am trying to get information.

Mr. BARBOUR. I did not hear the gentleman's question as there is so much noise. In my opinion the Constitution at least contemplates, if it does not expressly state, that the Representatives shall be elected by districts. That is the provision of section 2 of the bill. If there is an increase, and the State is not districted, the additional Representatives shall be elected at large until the State is districted. That is provided in section 3 of the bill and follows the language of previous bills of this kind. Now, we are confronted by a situation where the representation of certain States will be reduced. This the bill as reported did not contemplate at all, and it is for the purpose of meeting this situation that the amendment is offered.

Mr. SUMNERS of Texas. I have great confidence in the judgment of the gentleman—

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!" "Vote!"]

Mr. LARSEN. Mr. Chairman, I rise in opposition to the amendment. So far as my recollection goes, this proposition was not brought to the attention of the committee. The members of the committee did not have, as I understand, opportunity to consider it. As one member of the committee, I am opposed to it. The governors of the various States are clothed with the veto power. If we leave to the governors of the States the right to make apportionment in the event the legislatures do not exercise that function, they would also have the right to veto any apportionment that was made by the legislature. Therefore the governor would practically have control of the reapportionment in the State.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. LARSEN. For a question.

Mr. FAIRFIELD. The amendment expressly states that the legislature shall have acted, and that it can not be done if the governor has vetoed the action of the legislature. So that is taken care of in the amendment.

Mr. LARSEN. Then, Mr. Chairman, what are you going to do with the condition where the legislature fails to act, or tries to act, and the governor will not let them?

Mr. MONDELL. How could the governor prevent the legislature from acting, except by veto?

Mr. LARSEN. There would be no power that I know of.

Mr. MONDELL. The governor has no authority to prevent the legislature from acting, except by veto.

Mr. LARSEN. Very well. Would not the governor, unless the legislature wanted to redistrict the State in accordance with his views, be allowed to veto the proposition and block the legislative action entirely?

Mr. SIEGEL. He would not have any power to reapportion.

Mr. LARSEN. He would not have any power to reapportion, but he would have power to veto the action of the legislature.

Mr. SIEGEL. It all would depend on what the constitution provided in that particular State regarding reapportionment.

Mr. BARBOUR. The amendment expressly states if the governor vetoes an apportionment bill—

Mr. LARSEN. The States have the power of exercising this right, and have statutes authorizing the redistricting of States according to their own judgment. Is it not wise to leave it where it has heretofore been, and let the States themselves decide how they will make the reapportionment, without any action on the part of Congress?

Mr. WHEELER. If the legislature did pass a reapportionment act, and the governor would veto it, he would have no power to reapportion it. Under such circumstances, would the State go without representation?

Mr. LARSEN. I think not. We can trust the State to take care of this in the future as in the past. Does the gentleman know of any mischief that has been done because the States have failed to make reapportionment? In some States of the

Union they have had their representation decreased many times. In my own State, Georgia, it has been decreased three times; in the State of Virginia it has been decreased three or four times, and there has never been any trouble.

Mr. WHEELER. In case the governor did have the power to reapportion, would not there be danger, in some cases, where he was prejudiced, of his giving an unfair apportionment?

Mr. LARSEN. In my judgment, no legislature would wish to invite the governor into a controversy of this kind. The States can take care of themselves in this matter without direction of the Congress. I am against the amendment and trust it may be defeated.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from California [Mr. BARBOUR] if election by general ticket was not universal in this country until 1840?

Mr. BARBOUR. Until 1840?

Mr. CLARK of Missouri. Yes; or until 1841. What harm would there be to leave it so that they can elect them in that way, if they desire to do so?

Mr. BARBOUR. Well, we had fewer Representatives at that time than we have now, and many more people to represent.

Mr. CLARK of Missouri. I do not think it would make any difference if you did have.

Mr. SANDERS of Louisiana. Mr. Chairman, I have offered an amendment.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

Mr. GARD. Mr. Chairman, I desire to amend the Barbour amendment.

Mr. SANDERS of Louisiana. That is the purpose of my amendment. I do not desire to have it read at this time. I simply want to speak to it.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. SANDERS of Louisiana. Mr. Chairman and gentlemen of the House, the entire difference between the proposition advanced by the gentleman from California [Mr. BARBOUR] and the proposition advanced by myself is this: The gentleman from California presents a proposition to this House that, so far as my reading and inquiry go, has never been presented before. His amendment would permit the governor of a State under certain circumstances to say what shall be the congressional districts in a State.

Now, the Constitution of the United States expressly provides that a governor can not name a Member of this House to fill a vacancy, and the purpose of that was to keep this House absolutely free from executive influence. The governor can and does fill vacancies in another chamber, because that chamber represents the State. The Members here represent the people. And yet the amendment of the gentleman from California proposes to do indirectly that which the Constitution says can not be done directly.

Now, the amendment that I propose to the amendment of the gentleman from California simply provides this, that you use the same methods in electing Members to the House when there is a decrease and the legislature does not act as you have already provided in case of an increase when the legislature does not act. In other words, when there is an increase and the legislature does not act, you elect the increased membership from at large. My amendment simply provides that when there is a decrease in the membership and the legislature does not act, then you elect your decreased membership from at large. Now, that is the whole proposition in a nutshell.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Louisiana. No; I can not in five minutes.

One other proposition, and on that I want to ask the attention of the gentleman from California [Mr. BARBOUR]. Under the amendment of the gentleman from California it is possible that a State will not know how to elect its Representatives. Under the original amendment offered by the gentleman from California my State loses a Member. If the legislature meets, under his pending amendment, and redistricts the State, and the governor vetoes the bill, the legislature has sought to act and the governor has vetoed it, and under the Barbour amendment the governor can not then redistrict. Will you tell me, then, how Louisiana can elect seven men when there is no provision of this act and no provision of the State to elect seven men?

Mr. BARBOUR. If the gentleman will yield, you will have to elect them at large in that case.

Mr. SANDERS of Louisiana. Well, if you have to elect them at large, in that case, I say, my amendment ought to

carry, because it is a logical thing to do, to elect the decreased membership on the same basis as you elect the increased membership, and not put yourselves in the position, gentlemen of the House, where a State or a people will not know how to elect the Members that have been allotted to them under the apportionment that you have already adopted.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. GARD. Mr. Chairman, I desire to offer an amendment to the Barbour amendment. It is on the table.

The CHAIRMAN. The gentleman from Ohio offers an amendment to the Barbour amendment, which the Clerk will report.

Mr. JOHNSON of Mississippi. Mr. Chairman, I ask that the Sanders amendment be reported. It has never been reported. The gentleman offered it and asked that it be reported.

The CHAIRMAN. The gentleman from Louisiana said he did not desire his amendment to be reported.

Mr. WILSON of Louisiana. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILSON of Louisiana. Is the amendment offered by the gentleman from Louisiana now pending?

The CHAIRMAN. It has not been reported, on the request of the gentleman from Louisiana himself.

Mr. WILSON of Louisiana. I understand it was not read on his request?

The CHAIRMAN. It was not read, at his request.

Mr. JOHNSON of Mississippi. I ask that it be read if it has been offered.

Mr. GARD. Mr. Chairman, I ask that my amendment be reported.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. GARD to the amendment offered by Mr. BARBOUR: Strike out the words "redistrict such State" on the fourth line of the Barbour amendment and insert in lieu thereof the words "and shall call an extraordinary session of the legislature of such State to redistrict such State," so that as amended the language will read: "And if there be a decrease in the number of Representatives from a State, and the legislature thereof in session after the passage of this act fails to redistrict such State, and the laws of such State make no other provision therefor, then the governor of such State is hereby empowered to, and shall, call an extraordinary session of the legislature of such State to redistrict such State, as provided in section 2 herein."

Mr. WINGO. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. My point of order is, first, that the amendment is not germane and, second, it is beyond the power of Congress to control the constitutional power of a governor of a State as to when and for what purpose he shall call an extra session of the State legislature. We are certainly going far afield when we seek to do that. We have no power to do that.

The only power that Congress has is set out in section 4 of Article I, and that is as to regulations by the legislatures of the time, place, and manner of holding the elections. We have no control over the time when a legislature shall meet. We have no control of how it shall redistrict the State. We can only legislate upon the questions of regulation by legislatures of the time, place, and manner of holding elections.

Section 4 of Article I reads as follows:

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The sole question we are considering here is the question of fixing the number of Congressmen and apportioning that number among the States. That is the subject matter both of the bill and of the amendment.

The CHAIRMAN. The amendment to which the amendment of the gentleman from Ohio [Mr. GARD] is offered is the amendment offered by the gentleman from California [Mr. BARBOUR], which provides for redistricting in the States, and so forth.

Mr. WINGO. It provides that if the legislature fails to redistrict the State, then the governor shall be authorized to redistrict the State. The amendment of the gentleman from Ohio proposes to substitute for the power that Congress attempts, without constitutional authority, to delegate to the governor to redistrict the State, the power to call a special session of the legislature.

The CHAIRMAN. The question raised by the amendment offered by the gentleman from California [Mr. BARBOUR] relates to redistricting the State. It directs the governor to redistrict the State. The amendment offered by the gentleman from Ohio [Mr. GARD] says that it shall be done by the legislature

when called together by the governor. The Chair thinks the two propositions are related.

Mr. WINGO. They are related but not germane. The amendment of the gentleman from Ohio proposes a different method entirely.

The CHAIRMAN. It relates to the matter of redistricting the States. If Congress has the right to direct the governor to redistrict, it has the right also to direct him to call the legislature together. It is for the House to decide whether or not it wants to take the responsibility of enacting the legislation.

Mr. WINGO. We have no constitutional power to do either; and while both are related to the same general subject they are not germane to each other.

Mr. SUMNERS of Texas. Mr. Chairman, I desire to make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SUMNERS of Texas. The point of order is this: That the proposed amendment suggests to the Congress of the United States that it shall authorize the governor of a State to do a thing with regard to which the Congress of the United States has no authority either to authorize or to deny the governor of the State the right to do. This amendment says that the governor of the State is by the Congress of the United States authorized to do that with regard to which the Congress has no right to speak, with regard to which the constitution of the State alone may control.

The CHAIRMAN. The Chair thinks that the point of order not having been made to the Barbour amendment, the amendment offered by the gentleman from Ohio simply provides another method of redistricting the State, and therefore the Chair overrules the point of order.

Mr. DYER. Mr. Chairman, the Barbour amendment simply authorizes the governor to act. The amendment of the gentleman from Ohio [Mr. GARD] directs the governor to do a certain thing, which is different, and I say, with the gentlemen who have spoken in favor of the point of order, that Congress has no authority to direct the governor to do a thing of this kind.

The CHAIRMAN. Is not that rather an argument against the propriety of the amendment than an argument in favor of the point of order?

Mr. SUMNERS of Texas. I desire to make another observation. I direct my point of order now against the part of this proposed amendment which undertakes, by authority from the Congress, to authorize the governor of a sovereign State to call the legislature of that State in session. I say that the Congress of the United States has no authority with regard to that subject matter. It is controlled entirely by the constitutions of the several States, and Congress ought not to establish the precedent which this legislation would establish, and I respectfully submit to the Chair that the Chair ought not, as against the point of order raised, to permit to go into the language of a law enacted by Congress the words included in this proposed amendment.

The CHAIRMAN. The Chair does not feel called upon to decide whether or not the House is acting wisely in directing the governor of a State to call the legislature together. That is a matter for the House and not for the Chair to decide.

Mr. SUMNERS of Texas. If the Chair pleases, I am not challenging the wisdom or unwisdom of the amendment, but I am challenging the authority of Congress to deal with the subject matter.

The CHAIRMAN. This is a matter that should be decided by action of the committee rather than by the Chair on a point of order, and therefore the Chair overrules the point of order.

SEVERAL MEMBERS. Let us vote!

Mr. GARD. Mr. Chairman, as the committee has doubtless been well advised by the preliminary discussion on the point of order, the difference between the amendment proposed by me and the amendment of the gentleman from California [Mr. BARBOUR] is that my amendment strikes out the words which empower the governor of the State to redistrict the State in the event that the legislature be not in session, and authorizes instead that the governor shall call an extraordinary session of the legislature for the purpose of redistricting the State in accordance with the provisions of section 2, not of the Barbour amendment but of this act.

Mr. GARRETT. Will the gentleman yield?

Mr. GARD. Yes.

Mr. GARRETT. Does the gentleman think seriously that the Congress has the authority either to empower or direct the governor of a State to call a special session of the legislature?

Mr. GARD. I say that when the original text is brought in as it has been brought in by the Barbour amendment, which

provides an unusual method in conferring upon the governor of a State the authority to redistrict the State into congressional districts, then both as a matter of law and as an appropriate matter of legislation the Congress may direct the governor of the State to carry out the method which it prescribes.

Mr. GARRETT. Suppose the governor fails to do it. What is the Congress going to do?

Mr. CLARK of Missouri. Mandamus him.

Mr. GARD. In the event that the governor fails to do it, then a mandamus proceeding brought on the relation of any elector in the State would compel the governor to do that which the Congress of the United States has directed him to do.

Mr. OLIVER. Mr. Chairman, I have an amendment at the desk which I desire to have reported.

The CHAIRMAN. There is an amendment already pending.

Mr. ASWELL. Mr. Chairman, I offer the following as a substitute for the amendment offered by the gentleman from Ohio.

The CHAIRMAN. The Clerk will report the amendment offered in the nature of a substitute by the gentleman from Louisiana for the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. ASWELL: Page 4, after line 2, insert a new section as follows:

"SEC. 3. That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the districts now prescribed by law until such State shall be redistricted in the manner provided by the laws thereof and in accordance with the rules enumerated in section 2 of this act; and if there be no change in the number of Representatives from a State the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted as herein prescribed, and that in case of a decrease in the number of Representatives in any State under this apportionment the Representatives from such State shall be elected by the State at large until such State shall be redistricted as herein prescribed."

Mr. ASWELL. Mr. Chairman, I merely want to call the attention of the committee to the fact that it is very doubtful procedure to authorize the governor of a State to redistrict a State. I think it is a wholly absurd proposition, and if a State loses representation and the legislature does not act, then the Members should be elected at large until the State has had an opportunity to act, and it would be rare indeed that the State did not act. Two years or more will elapse before the election would be held, and it would be an extraordinary situation if any State should have to elect any Representatives at large.

Mr. GARRETT. Mr. Chairman, I shall certainly support the amendment offered by the gentleman from Louisiana [Mr. ASWELL]. I do not think the Congress has ever at any time in any one of these apportionment acts passed any legislation to meet the situation created by a decrease in membership. Following the census of 1840 there was a decrease in membership. Of course, decreases have occurred in some of the States at other times, but there was a general decrease in membership at that time, and that is the only time in the history of the country when that occurred. At that time the Congress did not deem it necessary to take any action whatever, but left the matter to the States. Let me venture to suggest that we are treading upon very serious constitutional ground. So far as I am concerned, I do not believe there is any efficacy or force in section 2 of this bill, which provides that the districts shall be laid out of contiguous territory, and I do not believe that the Congress has any power to make or enforce even that provision. The section of the Constitution cited by the gentleman from California relative to the times, places, and manner of election, being section 4, Article I, of the Constitution, does not, in my opinion, in any way whatsoever authorize the Congress to redistrict a State. That deals with the question of elections. It provides that the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but that the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators. Congress may make and alter what regulations? Regulations covering the districting of a State? Indeed not. Regulations covering the time, the place, the manner of electing Members of the House of Representatives.

In my judgment if the committee should present to the House a bill which would undertake to confer upon the governor of a State the power of redistricting that State, it would be a very active trenching upon the Constitution; it would not be merely the expression of an opinion such as is contained in section 2 of the bill, which is harmless; but it would be a proposition that might result in real harm. Viewing it as I do, I do not see how I could possibly vote for any apportionment bill that was, in my opinion, to this extent violative of the fundamental law of the land.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. JOHNSON of Mississippi. I call the attention of the gentleman to Article X of the Constitution:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

That bears out the statement just made.

Mr. GARRETT. Mr. Chairman, I doubt if there is a single thing in this bill after section 1 that is of the slightest consequence. When we reach it I intend to move to strike out section 4. Certainly the House of Representatives is not willing to commit itself to the proposition laid down in the amendment offered by my friend from Ohio [Mr. GARD] and declare that it will undertake to require or direct the governor of a sovereign State to call a session of the legislature of his Commonwealth. I think we better go very carefully about these matters.

The CHAIRMAN (Mr. MANN of Illinois). The time of the gentleman from Tennessee has expired.

Mr. BARKLEY. Mr. Chairman, I desire to call the attention of the committee to the fact that in the reapportionment act of 1901, which was enacted subsequent to the census of 1900, the same situation confronted the House which confronts it now. In the act of January 16, 1901, after providing how the increased number of Members should be elected from the States, and after providing that where there was no change the existing districts should remain until the legislature should redistrict, it had this provision:

And if the number hereby provided for shall in any State be less than it was before the change hereby made, then the whole number to such State hereby provided for shall be elected at large, unless the legislatures of said States have provided or shall otherwise provide before the time fixed by law for the next election of Representatives therein.

So that Congress has never yet undertaken to provide by law that the governor of a State shall call an extra session for the purpose of redistricting, nor to empower the governor himself to redistrict the State, and by that silence it is fair to presume that heretofore Congress has never assumed that it had the power either to direct the governor to call the legislature into session or to empower the governor of a State to do what Congress itself can not do, to wit, redistrict a State. This involves a very serious matter. Where there is a decrease in representation it means that some districts within a State must be merged together so as to create a smaller number of districts. If the amendment offered by the gentleman from California [Mr. BARBOUR] shall prevail, it means that any governor of any State in the United States where the legislature fails to act shall have the power to merge the districts by changing the boundaries of all of them so as to not only create a redistricting of the State but he may exercise that power, if he is so disposed, so as to throw three or four Members of Congress into the same congressional district, which may be changed in less than two years by subsequent session of the legislature. Therefore, under a redistricting which might be put into operation by the governor of a State the State would have no knowledge as to what its districts might be in the future, because those districts as created by the governor might be entirely changed within less than the term of office for which the man was elected by an act of a subsequent legislature.

Aside from the confusion that this may work in all the States that are redistricted, aside from the fact it will bring about unnecessary confusion in all those States, it seems to me very dangerous exercise of the power of a governor to permit him to redistrict a State in such a manner as he may see fit to do it. If he does it arbitrarily in order that he might create districts for certain friends of his or for the purpose of unfairly enlarging the representation of his own party in this body, there is no power in the State laws to punish him for that, and certainly Congress has no power to go into the question of the exercise of that power, and for that reason I think it would be very unwise to confer such a power upon the governor. I therefore hope both the amendments—that of the gentleman from Ohio [Mr. GARD] and that of the gentleman from California [Mr. BARBOUR]—may be defeated and that the amendment of the gentleman from Louisiana [Mr. ASWELL] may be adopted.

The CHAIRMAN. There is pending the amendment offered by the gentleman from California [Mr. BARBOUR], the substitute amendment offered by the gentleman from Louisiana [Mr. ASWELL], and an amendment to the substitute offered by the gentleman from Ohio [Mr. GARD]. The first question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Louisiana.

The question was taken, and the Chair announced the yeas seemed to have it.

On a division (demanded by Mr. ASWELL and others) there were—yeas 90, yeas 128.

So the substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from California.

Mr. MONDELL. Mr. Chairman, I desire to discuss that amendment. Mr. Chairman, when this amendment was first proposed—

Mr. CANNON. Mr. Chairman, I would like to have the amendment read; a number of us were not in.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from California.

There was no objection.

The amendment was again reported.

Mr. MONDELL. Mr. Chairman, when this amendment was first prepared it was presented to me, and while I had some doubts about the authority of the Congress to delegate to a State executive authority to district a State my doubts were not sufficiently well grounded that I felt I could maintain them against the opinion of gentlemen to the contrary, but as the debate has gone on my first opinion in the matter has been strengthened. I am now of the opinion that we would jeopardize this entire important legislation mandatory under the Constitution, we would raise an important constitutional question affecting the validity of the entire act if we should amend section 3 as is here proposed. I think it is highly important that we should carry out the mandatory provisions of the Constitution relative to the apportionment of Representatives in Congress. It is highly important that we do it in a clearly and unquestionably constitutional way, else our labors shall be in vain. We can not afford to endanger the legislation by putting into it a provision of doubtful constitutionality. I therefore shall feel that it is my duty to vote against the so-called Barbour amendment to section 3. [Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The question was taken, and the Chairman announced the yeas seemed to have it.

On a division (demanded by Mr. NEWTON of Missouri) there were—yeas 75, yeas 148.

So the amendment was rejected.

The Clerk read as follows:

Sec. 4. That candidates for Representative or Representatives to be elected at large in any State shall be nominated in the same manner as candidates for governor, unless otherwise provided by the laws of such State.

Mr. GARRETT. Mr. Chairman, I move to strike out section 4.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GARRETT: Page 4, line 14, strike out section 4.

Mr. GARRETT. Mr. Chairman, this is in the exact language that was carried in the last bill. So far as I can ascertain, no such language was ever carried in any bill prior to that time. I have not examined all of them, but none of them I have examined contains any such provision.

Mr. SIEGEL. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. SIEGEL. The reason why this section has been put in this bill was to prevent, if possible, the selection of men by convention where there are primary laws. That was the reason for putting it in 10 years ago, I believe, as I learn from an examination of the debate and discussion, and that is why our committee put it in again, because you can readily see what will happen—

Mr. GARRETT. Mr. Chairman, of course, I can see what might happen, but I can also see that the question of the nomination of a candidate for Congress is something with which the House of Representatives has absolutely nothing to do. Now, the language was carried in the bill the last time, for which my side of the House was responsible. Perhaps I was not giving as close attention to the bill then as now, but I certainly would not be willing to stand for any proposition that either this House or the Congress has authority to determine the method whereby one shall be nominated and—

Mr. SIEGEL. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. SIEGEL. The gentleman 10 years ago—I have the roll call before me of April 27, 1911—voted for the same provision.

Mr. GARRETT. On this, independent of the bill itself?

Mr. SIEGEL. On section 4.

Mr. GARRETT. Some one moved to strike it out?

Mr. SIEGEL. The gentleman voted for the entire bill at that time.

Mr. GARRETT. I voted for the entire bill; yes.

I repeat what I said a moment ago: I probably was not giving close attention to the bill at that time, and I did not know such a provision was in it. That was the first time it was ever carried, and I think it was a mistake.

Mr. SIEGEL. It was not the first time. I want to say that the bill which Mr. Crumpacker, of Indiana, introduced in the previous Congress had the same provision.

Mr. GARRETT. It did not become the law though.

Mr. SIEGEL. It did not pass the Senate, it is true.

Mr. GARRETT. I have looked to the laws of 1900 and the law of 1890. That is as far back as I have gone. It does not seem to me to be a question that admits of argument as to us having no authority to direct that there shall be a nomination or how the nomination shall be made.

Mr. SIEGEL. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Tennessee [Mr. GARRETT]. This section, as contained in the act of 10 years ago, and the committee was unanimous upon the question of putting it in the bill. It provides how candidates for Representatives shall be nominated if no provision is made by the State in its laws. We have jurisdiction over the primaries to be held in each State. We have jurisdiction as to how these men may be elected and how those elections shall be conducted.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. SIEGEL. I will.

Mr. JOHNSON of Mississippi. Would the gentleman agree with so eminent an authority as the Hon. Charles Evans Hughes?

Mr. SIEGEL. Not always, because in some instances he has not been followed by the Supreme Court of the United States.

Mr. JOHNSON of Mississippi. Will the gentleman yield for another question?

Mr. SIEGEL. Certainly.

Mr. JOHNSON of Mississippi. Before the Supreme Court in the Newberry case the other day he cited authority to substantiate his position that the Congress of the United States had no authority over States in primary elections.

Mr. SIEGEL. Let me answer the gentleman by saying this, that many a time have I known the distinguished gentleman from my State, Charles Evans Hughes, to cite authorities before the New York appellate courts, and yet they have not adopted them.

Mr. CLARK of Florida. Will the gentleman from New York yield?

Mr. SIEGEL. I will.

Mr. CLARK of Florida. Suppose the law in a State provided for a primary, and the governor should be nominated by a primary, and the candidate for Congress should be nominated by primary—

Mr. SIEGEL. It says unless otherwise provided by the laws of such State.

Mr. CLARK of Florida (continuing). And later on the candidate for Congress should die, when it is too late to hold a primary, and he should be nominated by petition, as is frequently the case; now, under this, he would not have to be nominated in the same way as the governor was nominated.

Mr. SIEGEL. The section reads, "unless otherwise provided." If the laws of Florida provide that he can be nominated by petition he would be nominated by petition. I ask for a vote on the amendment and urge that it be beaten.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee [Mr. GARRETT] to strike section 4 from the bill.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. GARRETT. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 104, yeas 124. So the amendment was rejected.

Mr. SIEGEL. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MANN of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 14498, had directed him to report the same to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

Mr. SIEGEL. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. AYRES. Mr. Speaker, I demand a vote on the amendment.

Mr. SWEET. Mr. Speaker, I ask for a vote on the Barbour amendment.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. SWEET. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 269, yeas 76, answered "present" 3, not voting 82, as follows:

YEAS—269.

Ackerman	Evans, Nev.	Layton	Rogers
Anderson	Fairfield	Lea, Calif.	Rouse
Anthony	Ferris	Lee, Ga.	Rowe
Ashbrook	Fess	Linthicum	Sabath
Bacharach	Fish	Longworth	Sanders, N. Y.
Bankhead	Fisher	Luce	Schall
Barbour	Flood	Lufkin	Scott
Begg	Focht	McAndrews	Sears
Bell	Fordney	McArthur	Sherwood
Benson	Fear	McClintic	Shreve
Blackmon	Freeman	McCulloch	Sinclair
Bland, Ind.	French	McDuffie	Sinnott
Bland, Va.	Fuller	McFadden	Sisson
Boles	Gandy	McGlenn	Slemp
Bowers	Gard	McKenzie	Smith, Idaho
Bowling	Garner	McKeown	Smithwick
Box	Garrett	McKinley	Snell
Brand	Glynn	McLaughlin, Mich.	Snyder
Briggs	Godwin, N. C.	McLeod	Steagall
Brinson	Goldfogle	MacGregor	Stedman
Britten	Good	Madden	Steenerson
Brooks, Pa.	Goodykoontz	Magee	Stephens, Miss.
Browne	Gould	Mann, Ill.	Stephens, Ohio
Brumbaugh	Graham, Ill.	Mansfield	Stoll
Buchanan	Griest	Mapes	Strong, Pa.
Burke	Griffin	Mays	Sullivan
Burrhoughs	Hadley	Mead	Summers, Wash.
Butler	Hardy, Colo.	Michener	Summers, Tex.
Byrnes, S. C.	Harrald	Miller	Swindall
Byrnes, Tenn.	Harrison	Minahan, N. J.	Taylor, Ark.
Caldwell	Hastings	Monahan, Wis.	Taylor, Colo.
Campbell, Kans.	Hawley	Mondell	Temple
Candler	Hayden	Moore, Ohio	Tillman
Cannon	Hersman	Moore, Va.	Tilson
Caraway	Hicks	Moore, Ind.	Timberlake
Carew	Hill	Mott	Tinkham
Carss	Hoch	Mudd	Treadway
Carter	Hoey	Murphy	Upshaw
Chindblom	Holland	Newton, Minn.	Vale
Christopherson	Houghton	Newton, Mo.	Venable
Clark, Fla.	Huddleston	Nicholls	Vestal
Classon	Hudspeth	Nolan	Vinson
Cleary	Hull, Tenn.	O'Connell	Volgt
Coady	Humphreys	Oldfield	Volk
Cole	Husted	Oliver	Volstead
Cooper	Igoe	Olney	Walters
Copley	Ireland	Padgett	Ward
Crago	Jacoway	Palge	Watson
Cramton	James, Va.	Park	Weaver
Crisp	Johnson, Ky.	Parker	Webster
Crowther	Johnson, S. Dak.	Parrish	Welling
Cullen	Johnson, Wash.	Pell	Welty
Currie, Mich.	Johnston, N. Y.	Perlman	Whaley
Darrow	Jones, Pa.	Phelan	Williams
Davis, Minn.	Jones, Tex.	Porter	Wilson, Ill.
Davis, Tenn.	Juul	Pou	Wingo
Dempsey	Kearns	Radcliffe	Wood, Ind.
Denison	Keller	Rainey, H. T.	Woods, Va.
Dominick	Kelley, Mich.	Raker	Woodyard
Doremus	Kelly, Pa.	Ramsey	Wright
Drane	Kendall	Ramseyer	Yates
Drewry	Kettner	Rayburn	Young, N. Dak.
Dunn	Kiess	Reber	Young, Tex.
Eagan	Klecza	Reed, N. Y.	Zihlman
Echols	Knutson	Ricketts	
Elston	Lanham	Riddick	
Esch	Lankford	Rodenberg	
Evans, Mont.	Larsen		

NAYS—76.

Almon	Elliott	Lazaro	Sanders, La.
Andrews, Nebr.	Evans, Nebr.	Leshar	Siegel
Aswell	Fields	Little	Sims
Ayres	Goodall	Luhling	Small
Barkley	Green, Iowa	McLaughlin, Nebr.	Stiness
Benham	Greene, Mass.	Martin	Strong, Kans.
Brooks, Ill.	Greene, Vt.	Mason	Sweet
Burdick	Haugen	Nelson, Mo.	Swope
Campbell, Pa.	Hays	O'Connor	Tague
Clark, Mo.	Hernandez	Ogden	Thomas
Collier	Hersey	Osborne	Thompson
Curry, Calif.	Hickey	Peters	Tincher
Dale	Hull, Iowa	Purnell	Towner
Dent	Jefferis	Quin	Watkins
Dickinson, Iowa	Johnson, Miss.	Rhodes	Wheeler
Dickinson, Mo.	Kennedy, R. I.	Robison, Ky.	White, Kans.
Dowell	Kinkaid	Romjue	White, Me.
Dupré	Kraus	Ruby	Wilson, La.
Dyer	Langley	Rucker	Wilson, Pa.

ANSWERED "PRESENT"—3.

Bee	King	Reavis
Andrews, Md.	Bland, Mo.	Casey
Babka	Blanton	Connally
Baer	Booher	Costello
Black	Cantrill	Dallinger

NOT VOTING—82.

Davey
Dewalt
Donovan
Dooling

Doughton	Hutchinson	Milligan	Rowan
Dunbar	James, Mich.	Montague	Sanders, Ind.
Eagle	Kahn	Moon	Sanford
Edmonds	Kennedy, Iowa	Mooney	Scully
Ellsworth	Kincheloe	Morin	Sells
Emerson	Kitchin	Neely	Smith, Ill.
Foster	Kreider	Nelson, Wis.	Smith, Mich.
Gallagher	Lampert	Overstreet	Smith, N. Y.
Gallivan	Lehlbach	Patterson	Steele
Ganly	Loneragan	Rainey, Ala.	Stevenson
Goodwin, Ark.	McKiniry	Rainey, J. W.	Taylor, Tenn.
Graham, Pa.	McLane	Randall, Calif.	Vare
Hamill	McPherson	Randall, Wis.	Walsh
Hamilton	Maher	Reed, W. Va.	Winslow
Hardy, Tex.	Major	Riordan	Wise
Howard	Mann, S. C.	Robinson, N. C.	
Hulings	Merritt	Rose	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

Mr. WINSLOW (for) with Mr. REAVIS (against).

Mr. BLACK (for) with Mr. HOWARD (against).

Mr. ROBINSON of North Carolina (for) with Mr. HARDY of Texas (against).

Mr. DALLINGER (for) with Mr. KING (against).

Mr. MONTAGUE (for) with Mr. DUNBAR (against).

Mr. KITCHIN (for) with Mr. RANDALL of California (against).

Mr. BLANTON (for) with Mr. BEE (against).

General pairs:

Mr. FOSTER with Mr. CONNALLY.

Mr. EMERSON with Mr. GOODWIN of Arkansas.

Mr. HUTCHINSON with Mr. NEELY.

Mr. KENNEDY of Iowa with Mr. BLAND of Missouri.

Mr. EDMONDS with Mr. GALLAGHER.

Mr. MERRITT with Mr. EAGLE.

Mr. KAHN with Mr. GANLY.

Mr. LEHLBACH with Mr. DAVEY.

Mr. KREIDER with Mr. DONOVAN.

Mr. MACGREGOR with Mr. SCULLY.

Mr. RANDALL of Wisconsin with Mr. MANN of South Carolina.

Mr. SANDERS of Indiana with Mr. WISE.

Mr. BACHARACH. Mr. Speaker, my colleague Mr. PATTERSON is unavoidably absent to-day. If he were present, he would vote for the bill.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. ASWELL. Mr. Speaker, I move to recommit the bill to the Committee on the Census for the purpose of correcting the errors which have been presented to the committee to-day; and on that I move the previous question.

The SPEAKER. The gentleman moves to recommit the bill to the Committee on the Census, and on that he moves the previous question.

Mr. MANN of Illinois. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN of Illinois. The Speaker stated the proper motion. The proper motion was not made by the gentleman from Louisiana.

Mr. ASWELL. I moved to recommit the bill to the Committee on the Census, and after that I made a statement.

Mr. MANN of Illinois. But the statement was out of order.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Louisiana to recommit the bill.

The question was taken, and the Speaker announced that the yeas appeared to have it.

Mr. ASWELL. Mr. Speaker, I ask for the yeas and nays on the motion to recommit.

The SPEAKER. The yeas and nays are demanded. Those in favor of taking this vote by yeas and nays will rise and stand until they are counted. [After counting.] Thirty-five gentlemen have risen in the affirmative—not a sufficient number. The yeas and nays are refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. ASWELL. Mr. Speaker, I ask for the yeas and nays on the passage of the bill.

The SPEAKER. The gentleman from Louisiana asks for the yeas and nays on the passage of the bill. As many as are in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Forty-five gentlemen have risen—not a sufficient number.

Mr. ASWELL. Mr. Speaker, I ask for the other side.

The SPEAKER. The Chair will count. [After counting.] The Chair counts 271 Members. Forty-five is not a sufficient number, and the yeas and nays are refused.

So the bill was passed.

On motion of Mr. SIEGEL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. ANDERSON, by direction of the Committee on Appropriations, reported the bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922, which was read a first and second time, and, with the accompanying report, ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. RUBEY. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER. The gentleman from Missouri reserves all points of order on the bill.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12469. An act to authorize the award of a medal of honor to Chief Gunner Robert Edward Cox, United States Navy.

BRIDGE ACROSS THE ALABAMA RIVER, ALA.

Mr. DENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 4519, to authorize the Louisville & Nashville Railroad, its successors and assigns, to construct and maintain a bridge across the Alabama River at or near a point approximately 4 miles from the city of Montgomery, Ala.

The SPEAKER. The gentleman from Alabama asks unanimous consent to take from the Speaker's table the bill S. 4519, which the Clerk will report.

The Clerk read as follows:

A bill (S. 4519) to authorize the Louisville & Nashville Railroad, its successors and assigns, to construct and maintain a bridge across the Alabama River at or near a point approximately 4 miles from the city of Montgomery, Ala.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN of Illinois. Reserving the right to object, is there a similar bill on the House Calendar?

Mr. DENT. It is not on the House Calendar, but the committee has acted favorably upon it, as I understand from the chairman of the committee.

Mr. ESCH. It has been favorably reported by the committee.

Mr. MANN of Illinois. Favorably reported to whom?

Mr. ESCH. To the House.

Mr. MANN of Illinois. Then it is on the House Calendar.

Mr. ESCH. The gentleman from Tennessee [Mr. SIMS] was authorized to report it.

Mr. MANN of Illinois. Is it reported?

Mr. ESCH. I assume that it is.

The SPEAKER. It is on the calendar the Chair is informed.

Mr. ESCH. Number 240 on the calendar.

Mr. MANN of Illinois. The gentleman from Tennessee [Mr. SIMS] knows whether he made the report or not.

Mr. SIMS. The gentleman from Kentucky [Mr. BARKLEY] made the report.

Mr. MANN of Illinois. Somebody ought to know.

Mr. GARNER. The Speaker says it is on the calendar.

The SPEAKER. The attention of the Chair is called to the fact that it was reported by Mr. BARKLEY.

Mr. MANN of Illinois. Gentlemen who make these requests ought to know. It is a matter of right, not a matter of unanimous consent.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Louisville & Nashville Railroad, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Alabama River at a point suitable to the interests of navigation, one end of said bridge to be in the county of Montgomery, Ala., and the other in the county of Elmore, Ala., at or near a point approximately 4 miles from the city of Montgomery, Ala., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ADJOURNMENT.

Mr. SIEGEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Thursday, January 20, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

353. A letter from the Secretary of the Treasury, transmitting from the Secretary of War proposed paragraphs of legislation authorizing the expenditure of funds from current appropriations for "Ordnance service, 1921," and for "Transportation facilities, inland and coastwise waterways, 1921," to cover payment of civilian personnel employed in the District of Columbia (H. Doc. No. 984); to the Committee on Appropriations and ordered to be printed.

354. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required for the maintenance of buildings under the Superintendent of the State, War, and Navy Department Buildings for the remainder of the fiscal year 1921 (H. Doc. No. 985); to the Committee on Appropriations and ordered to be printed.

355. A letter from the Secretary of the Treasury, transmitting estimate of appropriation for the relief of the estate of Joseph Matthews, of Solvay, N. Y.; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (H. R. 15396) to amend section 1 of an act approved February 26, 1919, entitled "An act to fix the salaries of the clerks of the United States district courts and to provide for their office expenses, and for other purposes," reported the same without amendment, accompanied by a report (No. 1208), which said bill and report were referred to the House Calendar.

Mr. ANDERSON, from the Committee on Appropriations, to which was referred the bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922, reported the same without amendment, accompanied by a report (No. 1212), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MOONEY, from the Committee on War Claims, to which was referred the bill (H. R. 7187) for the relief of Mrs. D. Montgomery, reported the same without amendment, accompanied by a report (No. 1207), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 4326) for the relief of George F. Ramsey, reported the same with amendments, accompanied by a report (No. 1209), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4327) for the relief of H. B. Banks, reported the same with amendments, accompanied by a report (No. 1210), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4328) for the relief of Roach, Stansell, Lowrance Bros. & Co., reported the same with amendments, accompanied by a report (No. 1211), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PORTER: A bill (H. R. 15804) to authorize the President to present certain ordnance and ammunition to the Portuguese Republic; to the Committee on Foreign Affairs.

Also, a bill (H. R. 15805) to authorize the payment of an indemnity to the Norwegian Government for the detention of three subjects of Norway in Hudson County, N. J.; to the Committee on Foreign Affairs.

By Mr. KINKAID: A bill (H. R. 15806) to amend section 2 of the act of August 9, 1912 (37 Stat., p. 265), relating to liens in patents and water-right certificates; to the Committee on Irrigation and Arid Lands.

By Mr. PETERS: A bill (H. R. 15807) to authorize the Secretary of the Navy to sanction the use of certain titles on tablets or other memorials; to the Committee on Naval Affairs.

By Mr. BUTLER: A bill (H. R. 15808) to authorize the President to relieve certain officers and enlisted men from the disabilities which they have heretofore or would hereafter suffer through the charge of desertion standing on their records, and for other purposes; to the Committee on Naval Affairs.

By Mr. PORTER: A bill (H. R. 15809) to authorize the payment to the Government of France of \$13,511.13 as an indemnity requested in behalf of Mme. Crignier for losses sustained by her as the result of a search for the body of Admiral John Paul Jones; to the Committee on Foreign Affairs.

By Mr. GRIGSBY: A bill (H. R. 15810) establishing an additional division of the district court of Alaska; to the Committee on the Judiciary.

By Mr. FIELDS: A bill (H. R. 15811) making an appropriation for the payment of special assessment for paving, curbing, and guttering of Lock Avenue, Louisa, Ky., adjacent to real estate owned by the United States and occupied by Government Lock No. 3; to the Committee on Public Buildings and Grounds.

By Mr. ANDERSON: A bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922; to the Committee on the Whole House on the state of the Union.

By Mr. BUTLER: Joint resolution (H. J. Res. 451) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Jose A. de la Torriente, a citizen of Cuba; to the Committee on Naval Affairs.

By Mr. McKEOWN: Joint resolution (H. J. Res. 452) providing that one term of the United States District Court for the Eastern Judicial District of Oklahoma shall be held annually at Ada, Okla.; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 15813) granting a pension to Ida Taylor; to the Committee on Invalid Pensions. Also, a bill (H. R. 15814) granting a pension to Louisa Watson; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 15815) for the relief of William R. Peck; to the Committee on Claims.

By Mr. HERNANDEZ: A bill (H. R. 15816) granting a pension to Mary E. Harwood; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 15817) granting a pension to Fred Wellmann; to the Committee on Pensions.

By Mr. IRELAND: A bill (H. R. 15818) granting an increase of pension to Valentine B. Proehl; to the Committee on Pensions.

By Mr. PORTER: A bill (H. R. 15819) for the relief of Mie Uratake; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5071. By Mr. BARBOUR: Petition of Madera Branch of the Association for the Recognition of Irish Independence, favoring official recognition of the new Irish republic; to the Committee on Foreign Affairs.

5072. By Mr. BEGG: Petition of the Retail Grocers and Butchers' Association, of Norwalk, Ohio, protesting against the volume tax of 1 per cent on total sales; to the Committee on Ways and Means.

5073. By Mr. CULLEN: Petition of Civil Service Forum of New York City, favoring legislation for the benefit of civil-service employees; to the Committee on Reform in the Civil Service.

5074. Also, petition of American Bottlers of Carbonated Beverages, favoring a repeal of the 10 per cent tax on soft drinks; to the Committee on Ways and Means.

5075. By Mr. ESCH: Petition of board of directors of the Beavers Reserve Fund Fraternity, relative to forced increase of intrastate railroad rates by the Federal Government; to the Committee on Interstate and Foreign Commerce.

5076. Also, petition of Wisconsin State Conference of Near East Relief delegates, asking Congress to provide relief for the Armenians; to the Committee on Foreign Affairs.

5077. By Mr. FULLER: Petition of the Holy Name Society of St. Patrick's Parish, the St. Ann Sodality, and the Sodality of the Blessed Virgin Mary, of St. Patrick's Church, La Salle, Ill., protesting against the Smith-Towner bill; to the Committee on Education.

5078. Also, petition of Chicago Cooks and Pastry Cooks' Association, favoring resumption of friendly relations and trade with Soviet Russia; to the Committee on Foreign Affairs.

5079. Also, petition of the ladies of Waterman (Ill.) Domestic Science Club, favoring the passage of the Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

5080. Also, petition of Critchfield & Co., of Chicago, Ill., favoring increased protection on the manufacture of porch shades; to the Committee on Ways and Means.

5081. Also, petition of Shevlin Hixon Co., of Minneapolis, Minn., protesting against a tariff on lumber; to the Committee on Ways and Means.

5082. By Mr. GALLIVAN: Petition of Proctor Ellison Co., of Boston, Mass., asking that the duty on hides be eliminated from the emergency tariff bill; to the Committee on Ways and Means.

5083. Also, petition of National Association of United States customs inspectors, of Boston, Mass., favoring House bill 15089 by Representative FORDNEY and Senate bill 4693 by Senator CALDER; to the Committee on Ways and Means.

5084. Also, petition of Eastern Clay Goods Co., of Boston, Mass., favoring House bill 13854 by Mr. SELLS and Senate bill 4593 by Senator KEYES of New Hampshire; to the Committee on Agriculture.

5085. By Mr. KLECZKA: Petition of the common council of the city of Milwaukee, urging the Congress of the United States to enter into business relations with Soviet Russia; to the Committee on Foreign Affairs.

5086. Also, petition of common council of the city of West Allis, relating to legislation affecting the production, sale, and distribution of coal; to the Committee on Interstate and Foreign Commerce.

5087. By Mr. LINTHICUM: Petition of Curtis Bay Towing Co., Baltimore, regarding Senate bill 4607; to the Committee on the Merchant Marine and Fisheries.

5088. Also, petition of William S. N. Wallis and William P. Wittmer, Baltimore, Md., regarding Senate bill 4487; to the Committee on the Merchant Marine and Fisheries.

5089. Also, petition of Terminal Shipping Co., Atlantic Transport Co., and W. R. Wiest & Co., all of Baltimore, Md., regarding House bill 13591; to the Committee on the Judiciary.

5090. Also, petition of Charles County Sheep Growers' Association, La Plata, Md., regarding French-Copper fabric bill; to the Committee on Interstate and Foreign Commerce.

5091. Also, petition of Mrs. Mary B. Carroll, Baltimore, Md., regarding daylight saving; to the Committee on Interstate and Foreign Commerce.

5092. Also, petition of Dr. and Mrs. C. M. Kepner, Baltimore, Md., regarding House bill 12466, Yellowstone Park; to the Committee on the Public Lands.

5093. Also, petition of Mrs. Arthur B. Bibbins and Women's Christian Temperance Union, both of Baltimore, Md., regarding disarmament; to the Committee on Military Affairs.

5094. Also, petition of Dr. D. Z. Dunnott, D. A. Stickell, Dr. Hugh Birkhead, J. M. Gill, Henry S. West, and Dr. J. H. Mason Knox, all of Baltimore, Md., regarding appropriation for social hygiene; to the Committee on Appropriations.

5095. Also, petition of Mrs. Llewellyn I. Barker and Mrs. Katherine F. Worthington, both of Baltimore, regarding Senate bill 4485; to the Committee on Public Buildings and Grounds.

5096. Also, petition of R. M. Kennedy, Sisterhood Oheb Shalom, Miriam Lodge, Women's Club of Irvington, John Paul Guckert, Thomas B. Gresham, and Ray A. Pindell, all of Baltimore, regarding Smith-Towner bill; to the Committee on Education.

5097. By Mr. MURPHY: Memorial of Salem, Ohio, Retail Grocers' Association, opposing passage of proposed volume tax on retail sales; to the Committee on Ways and Means.

5098. Also, memorial of Benjamin Firestone Post, No. 290, American Legion, Columbiana, Ohio, praying for the passage of the Langley bill (H. R. 14135); to the Committee on Immigration and Naturalization.

5099. Also, memorial of Retail Grocers' Association of Bell-air, Ohio, asking that volume tax of 1 per cent be placed on wholesaler instead of retailer; to the Committee on Ways and Means.

5100. By Mr. O'CONNELL: Petition of the Woman's Municipal League of New York City, favoring the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

5101. By Mr. TEMPLE: Petition of Woman's Club of New Brighton, Pa., opposing the passage of the Yellowstone Park bill (H. R. 12466); to the Committee on Water Power.

5102. Also, petition of the Twentieth Century Club of Rochester, Pa., supporting the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

5103. Also, petition of Woman's Club of Freedom, Pa., in support of the Smith-Towner bill, the Sheppard-Towner bill, and the Yellowstone National Park bill; to the Committee on Interstate and Foreign Commerce.

5104. Also, petition of Woman's Club of New Brighton, Pa., supporting the Smith-Towner and the Sheppard-Towner bills; to the Committee on Interstate and Foreign Commerce.

5105. By Mr. YATES: Petition of George P. Putnam, jr., the Prairie Club, Chicago, Ill., protesting against legislation to secure rights to the water power and other natural assets for money-making purposes of our national parks; to the Select Committee on Water Power.

5106. Also, petition of Mrs. Emma A. Gere, president Chapter A. R., P. E. O., Urbana, Ill., urging support of Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

5107. Also, petition of Mrs. Elizabeth Fryman, 1336 East Leaf-land Avenue, and Mr. Martin Mercer, 526 East Prairie Street, Decatur, Ill., urging passage of Elkins bill (S. 4596) for relief of Spanish War veterans, their widows, and dependents; to the Committee on Pensions.

5108. Also, petition of Mrs. F. Metzger, 624 East Eldorado Street, Decatur, Ill., urging passage of Elkins bill (S. 4596) for relief of Spanish War veterans, their widows and dependents; to the Committee on Pensions.

5109. Also, petition of Mr. John W. Dunn, general chairman the Commercial Telegraphers' Union, room 504, No. 44 Broad Street, New York City, opposing passage of House bill 14657; to the Committee on Agriculture.

5110. Also, petition of National Industrial Conference Board, 10 East Thirty-ninth Street, New York, urging the attention of Congress to the discussion of the Federal tax problem contained in report of the tax committee of said board; to the Committee on Ways and Means.

5111. Also, petition of First Joint Stock Land Bank of Chicago, care of Continental & Commercial Bank Building, Chicago, by Guy Huston, president, protesting against amendment of the farm loan act; to the Committee on Banking and Currency.

SENATE.

THURSDAY, January 20, 1921.

(Legislative day of Tuesday, January 18, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gore	McCumber	Smith, Ga.
Ball	Hale	McKellar	Smoot
Beckham	Harris	McLean	Spencer
Borah	Harrison	Nelson	Stanley
Brandagee	Heflin	New	Sterling
Capper	Hitchcock	Overman	Sutherland
Colt	Johnson, Calif.	Owen	Swanson
Culberson	Jones, N. Mex.	Page	Trammell
Curtis	Jones, Wash.	Penrose	Underwood
Dial	Kellogg	Phipps	Wadsworth
Dillingham	Kenyon	Poinexter	Walsh, Mass.
Edge	Keyes	Pomerene	Walsh, Mont.
Fletcher	King	Reed	Warren
France	Knox	Robinson	Willis
Gay	Lenroot	Sheppard	Wolcott
Gerry	Lodge	Sherman	
Gooding	McCormick	Simmons	

Mr. CURTIS. I was requested to announce the absence of the Senator from North Dakota [Mr. GRONNA], the Senator from Wisconsin [Mr. LA FOLLETTE], and the Senator from New York [Mr. CALDER] on official business of the Senate.

I was also requested to announce the absence of the Senator from West Virginia [Mr. ELKINS], the Senator from Oregon [Mr. McNARY], and the Senator from Indiana [Mr. WATSON] on account of official business.